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THE

PARLIAMENTARY DEBATES

(AUTHORISED EDITION),

FOURTH SERIES

SECOND SESSION OF THE TWENTY-EIGHTH PARLIAMENT
OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND

7 EDWARD VII.

VOLUME CLXXXI.

COMPRISING THE PERIOD FROM MONDAY, NINETEENTH DAY OF AUGUST, 1907, TO SATURDAY, TWENTY-FOURTH DAY OF AUGUST, 1907.

THIRTEENTH VOLUME OF SESSION.

1907.

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THE PARLIAMENTARY HISTORY contains all that can be collected of the Legislative History of this country from the Conquest to the close of the XVIIIth Century (1803), 36 vols. The chief sources whence these Debates are derived are the Constitutional History, 24 vols.; Sir Simonds D'Ewes' Journal; Debates of the Commons in 1620 and 1621; Chandler and Timberland's Debates, 22 vols.; Grey's Debates of the Commons, from 1667 to 1694, 10 vols.; Almon's Debates, 24 vols.; Debrett's Debates, 63 vols.; The Hardwicke Papers; Debates in Parliament by Dr. Johnson, &c., &c.

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Lord Belper 48
Earl Nelson 54
Earl Fortescue 65
Earl of Powis 68
The Duke of Northumberland 75
The Under-Secretary of State for Foreign Affairs (*Lord Fitzmaurice*) .. 85
The Earl of Dartmouth 96
Viscount St. Aldwyn 100
Lord Ribblesdale 110
Viscount Hill 116
The Lord Privy Seal (*The Marquess of Ripon*) 117

On Question, Bill read 2ª, and committed to a Committee of the Whole House on Wednesday next.

Public Health (Regulations as to Food) Bill.—Brought from the Commons and read 1ª, and to be printed. (No. 185) 119

Judicature (Ireland) Bill.—Brought from the Commons and read 1ª; to be printed; and to be read 2ª To-morrow.—(*Lord Denman.*) (No. 186) .. 119

Isle of Man (Customs Bill.—Brought from the Commons and read 1ª; to be printed; and to be read 2ª To-morrow.—(The Lord Privy Seal [*Marquess of Ripon*].) (No. 187) 119

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Sea Fisheries (Scotland) Application of Penalties Bill.—House in Committee (according to order); Bill reported without Amendment; Standing Committee negatived; and Bill to be read 3ª on Wednesday next 119

Council of India Bill.—House in Committee (according to order); Bill reported without Amendment; Standing Committee negatived; and Bill to be read 3ª To-morrow 119

House adjourned at half-past Eleven o'clock, till To-morrow a quarter past Four o'clock.

HOUSE OF COMMONS: MONDAY, 19TH AUGUST, 1907.

The House met at a quarter before Three of the Clock.

NEW WRIT.—New Writ for the Borough of Bury St. Edmunds, in the room of Captain Frederick William Fane Harvey, now the Marquess of Bristol, called up to the House of Peers.—(*Sir Alexander Acland-Hood.*) 119

PRIVATE BILL BUSINESS.

Armagh Urban District Council Bill.—Lords Amendments considered, and agreed to 120

PRIVATE BILLS.—Ordered, That Standing Orders 220 and 246, relating to Private Bills be suspended for the remainder of the session 120

Ordered, That, as regards Private Bills, to be returned by the House of Lords with Amendments, such Amendments (if unopposed) shall be considered forthwith.

Ordered, That as regards Private Bills returned, or to be returned, by the House of Lords with Amendments, such Amendments (if opposed) shall be considered at such times as the Chairman of Ways and Means may determine.

Ordered, That, when it is intended to propose any Amendment thereto, a copy of such Amendments shall be deposited at the Private Bill Office, and notice given on the day on which the Bill shall have been returned from the Lords.—(*The Chairman of Ways and Means*) 120

Dumbarton Burgh and County Tramways Order Confirmation Bill [LORDS]; Dumbarton Burgh Order Confirmation Bill [Lords].—Read the third time and passed, without Amendment 120

York (Micklegate Strays) (Recommitted) Bill [LORDS].—Reported with Amendments, from the Select Committee

Report to lie upon the Table and to be printed.

Minutes of Proceedings to be printed. [No. 320] 120

MESSAGE FROM THE LORDS.—That they have agreed to:—Prisons (Ireland) Bill, without Amendment; London County Council (General Powers) Bill, with Amendments 120

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RETURNS, REPORTS, ETC.

GOVERNMENT LANDS IN BRITISH EAST AFRICA AND UGANDA.—Return presented, relative thereto [Address 7th August; *Mr. Wedgwood*]; to lie upon the Table and to be printed. [No. 312] 121

LOSS OF LIFE AT SEA.—Copy presented, of Return showing the lives lost by Wreck, Drowning, or other accidents in British sea-going Merchant Ships registered in the United Kingdom during the years 1891 to 1906, inclusive [by Command]; to lie upon the Table 121

DEATHS FROM STARVATION OR ACCELERATED BY PRIVATION (LONDON).—Return presented, relative thereto [Address 12th March; *Mr. Talbot*]; to lie upon the Table, and to be printed. [No. 313] 121

APPOINTMENT OF JUSTICES (FEES).—Return presented, relative thereto [Address 11th July; *Mr. Herbert Samuel*]; to lie upon the Table, and to be printed [No. 314] 121

KING'S BENCH JUDGE.—Return presented, relative thereto [Address 26th July; *Mr. Herbert Craig*]; to lie upon the Table, and to be printed. [No. 315] .. 121

HOMICIDE (PUNISHMENT IN FOREIGN COUNTRIES).—Return presented, relative thereto [Address 11th April; *Mr. George Greenwood*]; to lie upon the Table, and to be printed. [No. 316] 121

TRADE REPORTS (ANNUAL SERIES).—Copies presented, of Diplomatic and Consular Reports, Annual Series, Nos. 3903 to 3906 [by Command]; to lie upon the Table 121

LOCAL TAXATION ACCOUNT, 1906–7.—Return presented, relative thereto [ordered 2nd August; *Dr. Macnamara*]; to lie upon the Table, and to be printed. (No. 317] 121

LONDON (EQUALISATION OF RATES) ACT, 1894 ACCOUNTS UNDER SECTION 1 (7) OF THE ACT.—Return presented, relative thereto [ordered 12th August; *Dr. Macnamara*]; to lie upon the Table, and to printed. [No. 318] 121

DUBLIN HOSPITALS.—Copy presented, of Forty-nint Report of the Board of Superintendence, with Appendices, for the year 1906–7 [by Command]; to lie upon the Table 122

PRISONS (IRELAND).—Copy presented, of Twenty-ninth Report of the General Prisons Board (Ireland) for 1906–7 with an Appendix [by Command]; to lie upon the Table 122

NATIONAL EDUCATION (IRELAND).—Copy presented, of Seventy-third Report of the Commissioners of National Education in Ireland, being for the year 1906–7 [by Command]; to lie upon the Table 122

EVICTIONS (IRELAND).—Copy presented, of Return of Evictions in Ireland for the quarter ended 30th June, 1907 [by Command]; to lie upon the Table 122

IRISH LAND COMMISSION (PROCEEDINGS).—Copy presented, of Return of Proceedings during the months of April, May, and June, 1907 [by Command]; to lie upon the Table 122

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CUSTOMS.—Copy presented, of Fifty-first Report of the Commissioners of Customs for the year ended 31st March, 1907 [by Command]; to lie upon the Table 122

PUBLIC WORKS LOAN ACT, 1875.—Copy presented, of Further Regulations made by the Public Works Loan Commissioners [by Act]; to lie upon the Table 122

NAVY (CANTEEN AND VICTUALLING ARRANGEMENTS).—Copy presented, of Report of the Committee appointed to inquire into the question of the Canteen and Victualling Arrangements in His Majesty's Fleet [by Command]; to lie upon the Table 122

SUGAR CONVENTION.—Address for "Return of the Petitions and Representations made by public bodies and private associations in India upon the Sugar Convention."—(*Sir Gilbert Parker*) 122

ADJOURNMENT MOTIONS UNDER STANDING ORDER NO. 10.—Return ordered, of "Motions for Adjournment under Standing Order No. 10, showing the date of such Motion, the name of the Member proposing, the definite matter of urgent public importance, and the result of any Division taken thereon during Session 1907 (in continuation of Parliamentary Paper, No. 382, of Session 1906)."—(*Mr. Caldwell*) 123

CLOSURE OF DEBATE (STANDING ORDER No. 26).—Return ordered, "respecting application of Standing Order No. 26 (Closure of Debate) during Session 1907 (1) in the House and in Committee of the Whole House under the following heads :—

1.	2.	3.	4.	5.	6.
Date when closure moved, and by whom.	Question before House or Committee when moved.	Whether in House or Committee.	Whether assent given to Motion or withheld by Speaker or Chairman.	Assent withheld because, in the opinion of the Chair, a decision would shortly be arrived at without that Motion.	Result of Motion, and, if a Division, Numbers for and against.

(in continuation of Parliamentary Paper No. 383, of Session 1906); and (2) in the Standing Committees under the following heads :—

1.	2.	3.	4.	5.	6.
Date when closure moved, and by whom.	Question before Committee when moved.	Standing Committee.	Whether assent given to Motion or withheld by Chairman.	Assent withheld because, in the opinion of the Chair, a decision would shortly be arrived at without that Motion.	Result of Motion and, if a Division, Numbers for and against.

—*Mr. Caldwell* 123

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PUBLIC BILLS.—Return ordered, "of the number of Public Bills, distinguishing Government from other Bills, introduced into this House, or brought from the House of Lords, during Session 1907; showing the number which received the Royal Assent; the number which were passed by this House, but not by the House of Lords; the number passed by the House of Lords, but not by this House; and distinguishing the stages at which such Bills as did not receive the Royal Assent were dropped or postponed, and rejected in either House of Parliament (in continuation of Parliamentary Paper, No. 0.209, of Session 1906)."—(*Mr. Caldwell*) 124

PUBLIC PETITIONS.—Return ordered, "of the number of Public Petitions presented and printed in Session 1907; with the total number of signatures in that year (in continuation of Parliamentary Paper, No. 0.227, of Session 1906)."—(*Mr. Caldwell*) 124

SELECT COMMITTEES.—Return ordered, "of the number of Select Committees appointed in Session 1907 (including the Standing Committees of Law and Trade) and the Court of Referees; the subjects of inquiry; the names of the Members appointed to serve on each, and of the Chairman of each; the number of days each Committee met, and the number of days each Member attended; the total expense of the attendance of witnesses at each Select Committee, and the name of the Member who moved for such Select Committee; also the total number of Members who served on Select Committees (in continuation of Parliamentary Paper, No. 0.226, of Session 1906)."—(*Mr. Caldwell*) 124

STANDING COMMITTEES.—Return ordered, "for the session of 1907, of (1) the total number and the names of all Members (including and distinguishing Chairmen) who have been appointed to serve on one or more of the four Standing Committees appointed under Standing Order No. 47, showing, with regard to each of such Members, the number of sittings at which he was present and the number of divisions in which he took part; and (2) the number of Bills considered by all and by each of the Standing Committees, the number of days on which each Committee sat, and the names of all Bills considered by a Standing Committee, distinguishing where a Bill was a Government Bill or was brought from the House of Lords, and showing, in the case of each Bill the particular Standing Committee by whom it was considered, the number of days on which it was considered by the Committee, and the number of Members present on each of those days."—(*Mr. Caldwell*) .. 125

POST OFFICE (EAST INDIA, CHINA, AND AUSTRALIAN MAILS.)—Return presented, relative thereto [ordered 19th August; *Mr. Runciman*]; to lie upon the Table, and to be printed. [No. 311] 125

SITTINGS OF THE HOUSE.—Return ordered, "of the number of days on which the House sat in Session 1907, stating for each day the date of the month and day of the week, the hour of the meeting, and the hour of adjournment; and the total number of hours occupied in the sittings of the House, and the average time; and showing the number of hours on which the House sat each day, and the number of hours after eleven p.m.; and the number of entries in each day's Votes and Proceedings (in continuation of Parliamentary Paper, No. 0.228, of Session 1906)."—(*Mr. Caldwell*) 125

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Business of the House (Days Occupied by Government and by Private Members).—Return ordered, "showing, with reference to Session 1907, (1) the number of sittings at which Government Business had precedence under the Standing Orders during the entire Sitting; (2) the number of Sittings on Tuesday and Wednesdays at which precedence was given to Government Business up till 8.15 p.m. and to Private Members at 8.15 p.m., and the number of Sittings on Fridays at which Private Members had precedence under the Standing Orders; (3) the number of Sittings at which Government Business was given precedence under a special order of the House during the entire Sitting; (4) the number of Saturday Sittings; (5) the total number of Sittings at which Government Business had precedence; (6) the total number of days on which the House sat; and (7) the number of days on which Business of Supply was considered (in continuation of Parliamentary Paper, No. 384, of Session 1906."—(*Mr. Caldwell*) 126

Private Bills and Private Business.—Return ordered, "of the number of Private Bills, Hybrid Bills, and Bills for confirming Provisional Orders introduced into the House of Commons and brought from the House of Lords, and of Acts passed in Session 1907 classed according to the following subjects:—Railways; Tramways; Tramroads; Subways; Canals and Navigation; Roads and Bridges; Water; Waterworks; Gas; Gas and Water; Lighting and Improvement; Police and Sanitary Regulations, Corporations, etc., not relating to Police and Sanitary Regulations or to Lighting and Improvement Schemes; Ports, Piers, Harbours, and Docks; Churches, Chapels, and Burying Grounds; Markets and Fairs; Gaols and other County Buildings; Inclosure and Drainage; Estate; Patent; Divorce, Naturalisation; Hospitals, Name Legitimisation and Miscellaneous;"

"Of all the Private Bills, Hybrid Bills, and Bills for confirming Provisional Orders, which in Session 1907 have been reported on by Committees on Opposed Private Bills or by Committees nominated partly by the House and partly by the Committee of Selection, together with the names of the selected Members who served on each Committee; the first and also the last day of the sitting of each Committee; the number of days on which each Committee sat; the number of days on which each selected Member has served; the number of days occupied by each Bill in Committee; the Bills the Preambles of which were reported to have been proved; the Bills the Preambles of which were reported to have been not proved; and, in the case of Bills for confirming Provisional Orders, whether the Provisional Orders ought or ought not to be confirmed;"

"Of all Private Bills and Bills for confirming Provisional Orders which in Session 1907 have been referred by the Committee of Selection, or by the General Committee on Railway and Canal Bills to the Chairman of the Committee of Ways and Means, together with the names of the Members who served on each Committee; the number of days on which each Committee sat; and the number of days on which each Member attended;"

"And, of the number of Private Bills, Hybrid Bills, and Bills for confirming Provisional Orders withdrawn or not proceeded with by the parties, those Bills being specified which have been referred to Committees and dropped during the sittings of the Committee (in continuation of Parliamentary Paper, No. 0.224, Session 1906)."—(*Mr. Caldwell*) 126

RESIDENT MAGISTRATES (IRELAND).—Return ordered, "showing the former vocation of all Resident Magistrates now serving in Ireland, as in Parliamentary Paper No. 262, of Session 1895, together with date of appointment, age, and present salaries."—(*Mr. Jeremiah MacVeagh*) 127

POST OFFICE (EAST INDIA, CHINA, AND AUSTRALIAN MAILS).—Copy ordered, "of Contract dated the 7th day of August, 1907, between the Postmaster-General and the Peninsular and Oriental Steam Navigation Company for the conveyance of the East India, China, and Australian Mails for the period from the first day of February, 1908, to the 31st day of January, 1915, together with a Copy of a Treasury Minute thereon, dated the 15th day of August, 1907."—(*Mr. Runciman*) 127

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Sheriff Courts (Scotland) Bill.—Reported, with Amendments, from the Standing Committee on Scottish Bills.

Report to lie upon the Table, and to be printed. [No. 319.]

Minutes of the Proceedings of the Standing Committee to be printed. [No. 319.]

Bill, as amended (by the Standing Committee), to be taken into consideration To-morrow, and to be printed. [Bill 329] 161

Transvaal Loan (Guarantee) Bill.—Order for Second Reading read.

The Under-Secretary of State for the Colonies (Mr. Churchill, Manchester, N.W.) 161

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. Lyttelton (St. George's, Hanover Square) 179

Amendment proposed—

"To leave out the word 'now' and at the end of the Question to add the words 'upon this day three months.'"—(*Mr. Lyttelton.*)

Question proposed, "That the word stand part of the Question."

The Chancellor of the Exchequer (Mr. Asquith, Fife, E.) 190
Mr. Bonar Law (Camberwell, Dulwich) 201
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Sir J. Dickson-Poynder (Wiltshire, Chippenham) 231
Viscount Turnour (Sussex, Horsham) 234
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The Earl of Ronaldshay (Middlesex, Hornsey) 242
Colonel Seely (Liverpool, Abercromby) 243
Sir Gilbert Parker (Gravesend) 249
The Attorney-General (Sir John Walton, Leeds, W.) 253
Mr. Austen Chamberlain (Worcestershire, E.) 260
Mr. Churchill 267
Mr. Markham (Nottinghamshire, Mansfield) 273

Question put.
The House divided :—Ayes, 199 ; Noes, 62. (Division List No. 432.)

Main Question put, and agreed to.

Bill read a second time.

Bill committed to a Committee of the Whole House for To-morrow (Tuesday). —(*Mr. Asquith.*)

Consolidated Fund (Appropriation) Bill.—Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

Viscount Turnour (Sussex, Horsham) 277
The Financial Secretary to the War Office (Mr. Buchanan, Perthshire, E.) 285
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Mr. Harmood-Banner (Liverpool, Everton) 300
Captain Norton (Newington, W.) 301
Mr. John O'Connor (Kildare, N.) 301
Mr. Courthope (Sussex, Rye) 304

The Secretary of State for the Home Department (Mr. Gladstone, Leeds, W.) rose in his place and claimed to move "That the Question be now put."

Question put, "That the Question be now put."

The House divided :—Ayes, 104 ; Noes, 16. (Division List No. 433.)

Question put accordingly, and agreed to.

Bill read the third time, and passed.

Criminal Appeal Bill.—Lords Amendments considered.

Lords Amendments to the Amendment in page 3, line 6, agreed to.

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Lords Amendment—

"In page 3, line 6, after the word 'appeal' to insert the words 'or upon the certificate of the Judge who tried him that it is a fit case for appeal.'"

The next Amendment read a second time.

Motion made, and Question proposed, "That this House doth agree with the Lords in the said Amendment."

Mr. Clavell Salter (*Hants, Basingstoke*) 309
Mr. Rawlinson (*Cambridge University*) 311
Sir John Walton 312
Viscount Turnour 313
Mr. Nield (*Middlesex, Ealing*) 314

Question put.

The House divided:—Ayes, 90; Noes, 19. (Division List No. 434.)

Lords Amendment—

"In page 3 to leave out lines 14 to 19."

The next Amendment read a second time.

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."—(*Mr. Bottomley.*)

Mr. Bottomley 315
Sir John Walton 316

Motion, by leave, withdrawn.

Lords Amendment agreed to.

Subsequent Lords Amendment agreed to.

Lords Amendment—

"In page 6, line 12, to leave out from the first word 'and' to the word 'shall' in line 14"—read a second time.

Mr. Cave (*Surrey, Kingston*) 317
Mr. Clavell Salter 318

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."—(*Mr. Cave.*)

Sir John Walton 319
Mr. Courthope 319

Lords Amendment agreed to.

Subsequent Lords Amendments agreed to.

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Limited Partnerships Bill.—Lords Amendments considered.

First Lords Amendment agreed to.

Lords Amendment—

"In page 1, line 22, after the words 'partnership,' to insert the words 'shall not consist in the case of a partnership carrying on the business of banking, of more than ten persons, and, in the case of any other partnership of more than twenty persons,' and the next Amendment, read a second time.

Motion made, and Question proposed, "That this House doth agree with the Lords Amendment."—(*Sir William Holland.*)

Mr. Claude Hay (Shoreditch, Hoxton) 320
Sir William Holland (Yorks, W.R., Rotherham) 320
Lord Balcarres (Lancashire, Chorley) 321
Viscount Turnour 321
Mr. Courthope 321

Motion made, and Question proposed, "That the debate be now adjourned."—(*Viscount Turnour.*)

The President of the Board of Trade (Mr. Lloyd-George, Carnarvon Boroughs) 322
Mr. Claude Hay 322
Mr. Nield 322
Mr. Cave 323
The Parliamentary Secretary to the Board of Trade (Mr. George Whitcley, Yorks., W.R., Pudsey) 323
Sir A. Acland-Hood (Somersetshire, Wellington) 324
Lord Balcarres 325
Mr. Godfrey Baring (Isle of Wight) 326
Mr. Forster (Kent, Sevenoaks) 326
Mr. Pike Pease (Darlington) 327
Colonel Seely 327
Mr. Rufus Isaacs (Reading) 328

Question put.

The House divided:—Ayes, 51; Noes, 57. (Division List No. 435.)

Original Question put, and agreed to.

Lords Amendment—

"In page 1, lines 24 and 25, to leave out the words 'incurred in the usual course of the partnership business by or on behalf,'"—read a second time.

Motion made, and Question proposed, "That this House doth agree with the Lords in the said Amendment."

Mr. Claude Hay 329

Question put, and agreed to.

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Lords Amendment—

"In page 2, line 1, to leave out 'or undertake to contribute,'"—read a second time.

Motion made, and Question proposed, "That this House doth agree with the Lords in the said Amendment."

Mr. Cave 330
Viscount Turnour 330
Mr. Lloyd-George 330
Lord Balcarres 331
Mr. Forster 331
Mr. Bridgeman (Shropshire, Owestry) 331
Sir William Holland 332
Mr. Nield 332

Question put, and agreed to.

Subsequent Lords Amendment agreed to.

Lords Amendment—

"In page 2, lines 12 and 13, to leave out Subsection (4), and to insert a new subsection, '(4) a body corporate may be a limited partner,'"—read a second time.

Motion made, and Question proposed, "That this House doth agree with the Lords in the said Amendment."

Mr. Hills (Durham) 334
Mr. Lloyd-George 334
Mr. Clavell Salter 334
Mr. Ridsdale (Brighton) 335
Mr. Cave 335
Mr. Lloyd-George 336
Mr. Harmood-Banner 336
Mr. Bridgeman 337
Lord Balcarres 337
Mr. Simon (Essex, Walthamstow) 337
Mr. George Whiteley 338

Motion, by leave, withdrawn.

Amendment divided.

Motion made, and Question put, "That this House doth agree with so much of the Lords Amendment as proposes to leave out Subsection (4) of Clause 4."—(*Sir William Holland.*)

The House divided:—Ayes, 74; Noes 25. (Division List No. 436.)

So much of the Lords Amendment as proposes to insert a new subsection agreed to.

Remaining Lords Amendments agreed to.

Advertisements Regulation Bill.—Lords Amendments considered, and agreed to 339

Prize Courts Bill.—Considered in Committee, and reported, without Amendment; read the third time, and passed 340

ADJOURNMENT.

Motion made, and Question, "That this House do now adjourn,"—(*Mr. Whiteley*),—put, and agreed to.

Adjourned accordingly at twenty-four minutes after Five o'clock.

HOUSE OF LORDS, TUESDAY, 20TH AUGUST, 1907.

PRIVATE BILL BUSINESS.

Local Government Provisional Orders (No. 1) Bill; Local Government Provisional Orders (No. 2) Bill.—Reported, with Amendments 341

Local Government Provisional Orders (No. 3) Bill.—Reported, without Amendment 341

Local Government Provisional Orders (No. 4) Bill; Local Government Provisional Orders (No. 5) Bill.—Reported, with Amendment 341

Local Government Provisional Orders (No. 6) Bill.—Reported, without Amendment 341

Local Government Provisional Orders (No. 7) Bill.—Reported, with Amendments 341

Local Government Provisional Orders (No. 9) Bill.—Reported with an Amendment 341

Local Government Provisional Orders (No. 11) Bill; Local Government Provisional Orders (No. 12) Bill.—Reported, with Amendments 341

Local Government Provisional Orders (No. 14) Bill; Local Government Provisional Orders (No. 15) Bill.—Reported with an Amendment .. 341

Local Government Provisional Orders (No. 8) Bill (UNOPPOSED ORDER).—Reported, without Amendment 341

Local Government Provisional Orders (No. 8) Bill (CHELMSFORD ORDER).—Reported, from the Select Committee, with Amendments 341

Local Government Provisional Orders (No. 10) Bill (UNOPPOSED ORDERS).—Reported, with Amendments 341

Local Government Provisional Orders (No. 10) Bill (BRADFORD (YORKS) ORDER).—Reported from the Select Committee, with Amendments .. 341

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Local Government Provisional Orders (No. 13) Bill (Unopposed Orders). —Reported, without Amendment 341

Local Government Provisional Orders (No. 13) Bill (Norwich Order).—Reported from the Select Committee, without Amendment 341

Prize Courts Bill [H.L.]; Dumbarton Burgh and County Tramways Order Confirmation Bill [H.L.]; Dumbarton Burgh Order Confirmation Bill [H.L.]. —Returned from the Commons agreed to 342

Alexandra (Newport and South Wales) Docks and Railway (Additional Capital, etc.,) Bill; Barry Railway Bill; Metropolitan Water Board (Various Powers) Bill; London County Council (General Powers) Bill.—Returned from the Commons with the Amendments agreed to 342

Local Government Provisional Orders (No. 1) Bill; Local Government Provisional Orders (No.2) Bill; Local Government Provisional Orders (No. 3) Bill; Local Government Provisional Orders (No. 4) Bill; Local Government Provisional Orders (No. 5) Bill.—Recommitted to a Committee of the Whole House To-morrow 342

Local Government Provisional Orders (No. 6) Bill; Local Government Provisional Ordrs (No. 7) Bill; Local Government Provisional Orders (No. 8) Bill; Local Government Provisional Orders (No. 9) Bill; Local Government Provisional Orders (No. 10) Bill; Local Government Provisional Orders (No. 11) Bill; Local Government Provisional Orders (No. 12) Bill; Local Government Provisional Orders (No. 13 Bill); Local Government Provisional Orders (No. 14) Bill; Local Government Provisional Order (No. 15) Bill; —Recommitted to a Committee of the Whole House To-morrow 342

Inverness Royal Academy Order Confirmation Bill.—Read 1ª; to be printed; and (pursuant to the Private Legislation Procedure (Scotland) Act, 1899), deemed to have been read 2ª (*The Lord Hamilton of Dalzell*), and reported from the Committee. (No. 192) 342

Lancashire County Council Provisional Order Confirmation Bill [H.L.]. —Read 3ª (according to Order), and passed, and sent to the Commons .. 342

Metropolitan Water Board (Charges, etc.) Bill.—Bill read 3ª, according to Order.

The Earl of Wemyss 342

Amendment moved—

"In page 9, lines 37 and 38, to leave out the words 'Board so determine they may,' and to insert the words 'builder shall in writing so equire, the Board shall.'"—(*The Earl of Wemyss.*) .

Viscount Cross 343
The Chairman of Committees (The Earl of Onslow) 344

Amendment, by leave, withdrawn.

Lord Ludlow 344

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Amendment moved—

"In page 14, line 25, after the word 'funds,' to insert the words 'or rates.'"—(*Lord Ludlow.*)

On Question, Amendment agreed to.

Lord Ludlow 344

Amendment moved—

"To insert the following new clause:—'Notwithstanding anything in this Act contained the water rates shall continue to be payable according to the annual value of the house or building, or part of a house or building, supplied with water by the Board, and such annual value shall (except with the unions and parishes to which the Valuation (Metropolis) Act, 1869, extends) be determined in accordance with the provisions of Section sixty-eight of the Waterworks Clauses Act, 1847, and shall in no case be less than the rateable value according to the poor rate valuations.'"—(*Lord Ludlow.*)

Lord Welby 345
Lord Avebury 345
Viscount Cross 346
Lord Allendale 346
The Earl of Onslow 346

Amendment, by leave, withdrawn

Bill passed, and returned to the Commons.

PETITIONS.

SMALL LANDOWNERS' (SCOTLAND) BILL.—Petitions for Amendment of: of Orkney Landowners' Association; Stewartry of Kirkcudbrightshire Land Association; and Dumfriess-shire Land and Property Association.—Read, and ordered to lie on the Table 346

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.—Petitions against: Of Inhabitants of Whitley (signing); Members of Congregation of St. Bartholomew's, Salford; and persons signing (9). Read, and ordered to lie on the Table 347

RETURNS, REPORTS, ETC.

REFORMATORY AND INDUSTRIAL SCHOOLS (IRELAND).—Forty-fifth Report of the Inspector, for the year 1906 347

WORKMEN'S COMPENSATION.—Statistics of proceedings under the Workmen Compensation Acts, 1897 and 1900, and the Employer's Liability Act, 1880, during the year 1906 347

POST OFFICE.—Fifty-third Report of the Postmaster-General on the Post Office. Presented (by Command), and ordered to lie on the Table 347

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CLERGY (WEST INDIES).—Return of the amount payable on 5th January, 1907, out of the Consolidated Fund for ecclesiastical purposes in the West Indies. Laid before the House (pursuant to Act), and ordered to lie on the Table .. 347

PUBLIC HEALTH BILL.—Report from the Select Committee (with proceedings of the Committee) made, and to be printed (No. 188). Bill reported with Amendments; and committed to a Committee of the Whole House on Friday next; and to be printed as amended. (No. 189) 347

HOUSE OF LORDS' OFFICES.—Report from the Select Committee made, to be printed, and to be considered on Friday next. (No. 190).

Criminal Appeal Bill; Limited Partnerships Bill; Advertisements Regulation Bill.—Returned from the Commons with the Amendments agreed to .. 347

BUSINESS OF THE HOUSE.—

The Lord Privy Seal (*The Marquess of Ripon*) 348

Moved, "That Standing Order No. XXXIX be considered in order to its being suspended for the remainder of the session."—(*The Marquess of Ripon.*)

On Question, Motion agreed to, and Standing Order suspended for the remainder of the session accordingly.

Marriage with a Deceased Wife's Sister Bill [SECOND READING].—Order of the Day for the Second Reading read.

The First Lord of the Admiralty (*Lord Tweedmouth*) 348

Moved, "That the Bill be now read 2ª."—(*Lord Tweedmouth.*)

The Earl of Shaftesbury 354

Amendment moved—

"To leave out the word 'now' and to add at the end of the Motion 'this day three months.'"—(*The Earl of Shaftesbury.*)

The Lord Archbishop of Canterbury 359
Lord James of Hereford 365
The Duke of Northumberland 371
The Duke of Norfolk 377
The Lord Chancellor (*Lord Loreburn*) 379
Viscount Halifax 384
The Lord Bishop of London 384
Lord Heneage 390
The Lord Bishop of Salisbury 392
The Lord Bishop of Hereford 395
Earl Nelson 403
The Marquess of Salisbury 405
The Lord President of the Council (*The Earl of Crewe*) 413

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On Question, "That the word 'now,' proposed to be left out stand part of the Motion," their Lordships divided :—Contents, 111 ; Not-Contents, 79.

Bill read 2ª accordingly, and committed to a Committee of the Whole House on Friday next.

Patents and Designs Bill [SECOND READING].—Order of the Day for Second Reading read.

Earl of Granard 420

Moved, "That the Bill be now read 2ª."

The Marquess of Salisbury 423
The Lord Privy Seal (The Marquess of Ripon) 427
Viscount St. Aldwyn 428

On Question, Motion agreed to.

Bill read 2ª, and committed to a Committee of the Whole House on Friday next.

Patents and Designs (Consolidated) Bill [SECOND READING].—Order of the day for Second Reading read.

Moved, "That the Bill be now read 2ª."

Bill read 2a, and committed to a Committee of the Whole House on Friday next 428

Merchant Shipping (Tonnage Deduction for Propelling Power) Bill.—Amendment reported (according to Order.)

Lord Ellenborough 429
Earl of Granard 429
The Marquess of Salisbury 429

Drafting Amendments agreed to.

Bill to be read 3ª to-morrow ; and to be printed as amended. (No. 191.)

Council of India Bill.

Motion made, "That this Bill be now read a third time."—(*The Marquess of Ripon.*)

Viscount Midleton 430
The Marquess of Ripon 431

Third Reading put off to Monday next.

Judicature (Ireland) Bill [SECOND READING].—Order of the Day for Second Reading read.

Lord Denman 431

Moved, "That the Bill be now read 2ª."

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Lord Newton 432

On Question, Motion agreed to.

Bill read 2ª, and committed to a Committee of the Whole House on Thursday next.

Isle of Man (Customs) Bill.—Read 2ª (according to Order): Committee negatived: Then (Standing Order No. XXXIX. having been suspended) Bill read 3ª, and passed 432

Consolidated Fund (Appropriation) Bill.—Read 1ª; and to be read 2ª to-morrow. (The Lord Privy Seal [*M. Ripon*]) 432

ADJOURNMENT.

The Marquess of Ripon 432
The Lord Chancellor 433
The Marquess of Lansdowne 433

House adjourned at Twenty-five minutes before Twelve o'clock till To-morrow, a quarter past Four o'clock.

HOUSE OF COMMONS: TUESDAY, 20TH AUGUST, 1907.

The House met at a quarter before Three o'clock.

PRIVATE BILL BUSINESS.

Alexandra (Newport and South Wales) Docks and Railway (Additional Capital, etc.) Bill; Barry Railway Bill; Metropolitan Water Board (Various Powers) Bill.—Lords' Amendments considered, and agreed to 434

London County Council (General Powers) Bill—Lords Amendments, in pursuance of the Order of the House [19th August] considered and agreed to 434

Aberdeen Harbour Order Confirmation Bill [LORDS].—Read the third time, and passed, without Amendment 434

Inverness Royal Academy Order Confirmation Bill.—Read the third time, and passed 434

MESSAGE FROM THE LORDS.—That they have agreed to, Metropolitan Water Board (Charges, etc.) Bill, with an Amendment.

That they have passed a Bill, intituled, "An Act to confirm a Provisional Order, under The Private Legislation Procedure (Scotland) Act, 1899, relating to Lanarkshire County Council." [Lanarkshire County Council Order Confirmation Bill] [Lords] 434

Lanarkshire County Council Order Confirmation Bill [LORDS].—Ordered under Section 7 of The Private Legislation Procedure (Scotland) Act, 1899, to be considered To-morrow 434

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PETITIONS.

EDUCATION (SPECIAL RELIGIOUS INSTRUCTION) BILL.—Petition from West Derby, against; to lie upon the Table 434

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.—Petition from Bardwell, against; to lie upon the Table 435

SMALL LANDHOLDERS (SCOTLAND) BILL.—Petition from East Lothians, for alteration; to lie upon the Table 435

RETURNS, REPORTS, ETC.

WORKMEN'S COMPENSATION.—Copy presented, of Statistics of Proceedings under the Workmen's Compensation Acts, 1897 and 1900, and The Employers' Liability Act, 1880, during the year 1906 [by Command]; to lie upon the Table 435

REFORMATORY AND INDUSTRIAL SCHOOLS (IRELAND).—Copy presented, of Forty-fifth Report of the Inspector for the year 1906 [by Command]; to lie upon the Table 435

LOCAL TAXATION RETURNS (ENGLAND).—Copy presented, of the Annual Local Taxation Returns for 1905–6 [by Act]; to lie upon the Table, and to be printed. [No. 321] 435

POST OFFICE.—Copy presented, of Fifty-third Report of the Postmaster-General [by Command]; to lie upon the Table 435

CLERGY (WEST INDIES).—Copy presented, of Return of the Amount payable on 5th January, 1907, out of the Consolidated Fund for Ecclesiastical purposes in the West Indies [by Act]; to lie upon the Table 435

PAPERS LAID UPON THE TABLE BY THE CLERK OF THE HOUSE.

1. Adjournment Motions under Standing Order No. 10, Return relative thereto [ordered 19th August; *Mr. Caldwell*]; to be printed. [No. 322.]

2. Closure of Debate (Standing Order No. 26), Return relative thereto [ordered 19th August; *Mr. Caldwell*]; to be printed. [No. 323.]

3. Public Bills, Return relative thereto [ordered 19th August; *Mr. Caldwell*]; to be printed.

4. Public Petitions, Return relative thereto [ordered 19th August; *Mr. Caldwell*]; to be printed.

5. Select Committees, Return relative thereto [ordered 19th August; *Mr. Caldwell*]; to be printed.

6. Standing Committees, Return relative thereto [ordered 19th August; *Mr. Caldwell*]; to be printed.

7. Sittings of the House, Return relative thereto [ordered 19th August; *Mr. Caldwell*]; to be printed.

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8. Business of the House (Days Occupied by Government and by Private Members), Return relative thereto [ordered 19th August; *Mr. Caldwell*]; to be printed. [No. 324.]

9. Private Bills and Private Business, Return relative thereto [ordered 19th August; *Mr. Caldwell*]; to be printed 436

UNEMPLOYED WORKMEN ACT, 1905.—Return ordered, "as to the proceedings of Distress Committees in England and Wales, and of the Central (Unemployed) Body for London, under The Unemployed Workmen Act, 1905, during the year ended the 31st day of March, 1907."—(*Mr. John Burns*) 436

EDUCATION (ENGLAND AND WALES) (SMALL SCHOOLS).—Return ordered, "of the number of Departments of Public Elementary Schools within the area of each local education authority in the year ending the 31st day of July, 1906, in which the average attendance did not exceed sixty:—

Local Education Authority.	Total Number of Departments.	Number of Departments with average attendance not exceeding 40.				Number of Departments with average attendance exceeding 40 and not exceeding 50.				Number of Departments with average attendance exceeding 50 and not exceeding 60.			
		Certificated Head Teacher.	Other Qualified Head Teacher.	No Qualified Head Teacher.	Total.	Certificated Head Teacher.	Other Qualified Head Teacher.	No Qualified Head Teacher.	Total.	Certificated Head Teacher.	Other Qualified Head Teacher.	No Qualified Head Teacher.	Total.

—(*Mr. Yoxall*) 437

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

RETIREMENT OF TEMPORARY CIVIL SERVICE CLERKS.—Question, Mr. Claude Hay (Shoreditch, Hoxton); Answer, Mr. Runciman 437

PUNISHMENTS IN THE ROYAL NAVY.—Question, Mr. Lea (St. Pancras, E.); Answer, Mr. Lambert 438

POST OFFICE WOMEN CLERKS—MISS HOWSE.—Question, Mr. Field (Dublin, St. Patrick); Answer, Mr. Sydney Buxton 445

H.M.S. "AGAMEMNON."—Question, Mr. W. T. Wilson (Lancashire, Westhoughton); Answer, Mr. Lambert 446

MECHANICIAN EXPERIMENT.—Question, Mr. C. Duncan (Barrow-in-Furness); Answer, Mr. Lambert 447

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ENGINE-ROOM ARTIFICERS.—Question, Mr. C. Duncan ; Answer, Mr. Lambert .. 447

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EGYPTIAN MINISTRY OF PUBLIC WORKS.—Question, Mr. Swift Maceill ;N Answer, Sir Edward Grey 450

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KILBRIDE LABOURER'S COTTAGE.—Question, Mr. John O'Connor ; Answer, Mr. Birrell 456

CASTLETOWN SCHOOL MISTRESS.—Question, Mr. John Murphy (Kerry, E.) ; Answer, Mr. Birrell 456

INSTRUCTION IN IRISH.—Question, Mr. John Murphy ; Answer, Mr. Birrell 457

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PRESBYTERIAN AND METHODIST CHURCHES AT BEREHAVEN.—Questions, Mr. Barrie (Londonderry, N.) ; Mr. T. M. Healy (Louth, N.) ; Answers, The Civil Lord of the Admiralty (Mr. Lambert, Devonshire, South Molton) .. 458

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GERMANY AND THE CAPE GOVERNMENT.—Question, Sir Charles Dilke (Gloucestershire, Forest of Dean); Answer, The Under-Secretary of State for the Colonies (Mr. Churchill, Manchester, N.W.) 459

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AUSTRALIAN TARIFF.—Questions, Mr. Chiozza Money (Paddington, N.), Sir Howard Vincent (Sheffield, Central); Answers, Mr. Churchill 461

ITALIAN STATE RAILWAYS—LUGGAGE ROBBERIES.—Question, Mr. Cory (Cornwall, St. Ives); Answer, The Secretary of State for Foreign Affairs (Sir Edward Grey Northumberland, Berwick) 461

EGYPTIAN PUBLIC COMPANIES AND FOREIGN CAPITAL.—Question, Mr. J. M. Robertson (Northumberland, Tyneside); Answer, Sir Edward Grey .. 462

EGYPTIAN GOVERNMENT AND THE LEGISLATIVE COUNCIL.—Question, Mr. J. M. Robertson; Answer, Sir Edward Grey 462

EGYPTIAN POSTMASTER-GENERAL.—Question, Mr. J. M. Robertson; Answer, Sir Edward Grey 465

EGYPTIAN SALT ADULTERATION.—Question, Mr. J. M. Robertson; Answer, Sir Edward Grey 463

METROPOLITAN POLICE CLOTHING CONTRACTS.—Question, Mr. Rees (Montgomery Boroughs); Answer, The Secretary of State for Foreign Affairs (Mr. Gladstone, Leeds, W.) 464

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PROMOTIONS IN EDUCATION DEPARTMENT.—Question, Sir G. Kekewich (Exeter); Answer, the President of the Board of Education (Mr. McKenna, Monmouthshire) 467

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AGRICULTURAL RETURNS.—Question, Mr. Bowerman (Deptford); Answer, The Treasurer of the Household (Sir Edward Strachey, Somersetshire, S.) 475

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THE MASTER OF THE HORSE.—Question, Mr. Vivian (Birkenhead), Mr. Markham (Nottinghamshire, Mansfield), Mr. J. Ward (Stoke-on-Trent), Mr. Belloc (Salford, S.), Mr. Lea (St. Pancras, E.); Answer, Sir H. Campbell-Bannerman 479

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THE LATE SITTINGS.—Questions, Mr. Markham, Mr. Pike Pease (Darlington); Answers, Sir H. Campbell-Bannerman, Mr. George Whiteley 483

Land Values (Scotland) Bill.—As amended (by the Standing Committee), considered.

Mr. Harold Cox (Preston) 485
Mr. Younger (Ayr Burghs) 489

New clause—

> "Within three months after the passing of this Act the clerk of every council of a county or burgh shall convene, with not less than one month's notice, a special meeting of the council to consider the desirability of adopting this Act in that county or burgh, and if the decision of that meeting is against such adoption this Act shall have no force within that county or burgh."—(*Mr. Harold Cox.*)

Brought up, and read a first time.

Motion made, and Question proposed, "That the clause be read a second time."

The Lord Advocate (Mr. Thomas Shaw, Hawick Burghs) 490
Mr. A. J. Balfour (City of London) 492
The Chancellor of the Exchequer (Mr. Asquith, Fifeshire, E.) 496
Mr. Walter Long (Dublin, S.) 499
Mr. Chiozza Money (Paddington, N.) 500
Mr. Munro-Ferguson (Leith Burghs) 503
Sir E. Boyle (Taunton) 506
Mr. Everett (Suffolk, Woodbridge) 507
Mr. McCrae (Edinburgh, E.) 508
Mr. Remnant (Finsbury, Holborn) 511
Mr. Menzies (Lanarkshire, S.) 513
Sir Henry Craik (Glasgow and Aberdeen Universities) 514

Mr. THOMAS SHAW rose in his place and claimed to move, "That the Question be now put."

Question put, "That the Question be now put."

The House divided:—Ayes, 248; Noes, 51. (Division List No. 437.)

Question put accordingly, "That the clause be read a second time."

The House divided:—Ayes, 58; Noes, 248. (Division List No. 438.)

Mr. Cochrane (Ayrshire, N.) 521

Amendment proposed—

> "In page 1, line 6, to leave out the words 'and of each subsequent year.'"—(*Mr. Cochrane.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

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Mr. Thomas Shaw 526
Mr. A. J. Balfour 527
Mr. Mitchell-Thomson (*Lanarkshire, N.W.*) 528
Sir E. Boyle 529
Sir F. Banbury (*City of London*) 530
Mr. R. Pearce (*Staffordshire, Leek*) 531
Mr. Younger 532
Mr. Salter (*Hants, N.*) 532

Question put.

The House divided :—Ayes, 238 ; Noes, 51. (Division List No. 439.)

Mr. A. J. Balfour 535

Amendment proposed—

"In page 1, line 7, to leave out the words 'county and.' "—(*Mr. A. J. Balfour.*)

Question proposed, " That the words proposed to be left out stand part of the Bill."

Mr. Thomas Shaw 539
Mr. Younger 542
Mr. Barrie (*Londonderry, N.*) 544
The Solicitor-General for Scotland (*Mr. Ure, Linlithgow*) 545
Mr. Cochrane 548
Mr. J. D. White (*Dumbartonshire*) 552
Mr. Hills (*Durham*) 554
Mr. J. M. Henderson (*Aberdeenshire, W.*) 555

Question put.

The House divided :—Ayes, 241 ; Noes, 54. (Division List No. 440.)

Mr. Mitchell-Thomson 559

Amendment proposed—

"In page 1, line 9, to leave out the word 'capital,' and to insert the word 'annual.' "—(*Mr. Mitchell-Thomson.*)

Question proposed, " That the word 'capital' stand part of the Bill."

Mr. Thomas Shaw 560
Mr. A. J. Balfour 560
Sir E. Boyle 562

Question put.

The House divided :—Ayes, 239 ; Noes, 254. (Division List No. 441.)

Sir Henry Craik 565
Mr. Remnant 565

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Amendment proposed—

"In page 1, line 12, after the word 'capital,' to insert the word 'unimproved.'"—(*Sir Henry Craik.*) .. ..

Question proposed, "That the word 'unimproved' be there inserted."

Mr. Thomas Shaw 567
Mr. Hills 567

Question put.

The House divided :—Ayes, 48; Noes, 238. (Division List No. 442.)

Mr. Nield (Middlesex, Ealing) 569

Amendment proposed—

"In page 1, line 13, after the word 'heritages,' to insert the words 'not being lands and heritages belonging to any person or persons who have no power of sale.'"—(*Mr. Nield.*)

Question proposed, "That those words be there inserted."

Mr. Thomas Shaw 571
Mr. A. J. Balfour 571
Mr. Thomas Shaw 571

Amendment, by leave, withdrawn.

Mr. Younger 571
Mr. Mitchell-Thomson 572

Amendment proposed—

"In page 1, line 14, to leave out from the word 'roll,' to end of Subsection (2).'"—(*Mr. Younger.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. Thomas Shaw 573
Mr. A. J. Balfour 574
Mr. J. M. Henderson 574
Lord R. Cecil (Marylebone, E.) 576

Question put.

The House divided :—Ayes, 227; Noes, 57. (Division List No. 443.)

Mr. Remnant 577
Mr. Barrie 580

Amendment proposed—

> "In page 1, line 15, at the end, to insert the words, 'Provided that land occupied as a pleasure-garden or pleasure-grounds in connection with a dwelling-house shall be valued together with the site of the dwelling-house on the assumption that it continues in its existing state.' "—(*Mr. Remnant.*)

Question proposed, "That those words be there inserted in the Bill."

Mr. Thomas Shaw 580
Mr. A. J. Balfour 581
Mr. Thomas Shaw 584
Mr. Austen Chamberlain (Worcestershire, E.) 585
Sir Henry Craik 586
Mr. Brodie (Surrey, Reigate) 587
Mr. Bonar Law (Camberwell, Dulwich) 588
Mr. Ure 588
Mr. Mitchell-Thomson 589

Question put.

The House divided :—Ayes, 49 ; Noes, 199. (Division List No. 444.)

Mr. Younger 591

Amendment proposed—

> "In page 1, line 15, at the end to insert the words, 'The capital value of land on which no building is situate and which is not capable of being sold or disposed of with an obligation to build thereon immediately shall be estimated with reference to its fitness for purposes other than building purposes.' "—(*Mr. Younger.*)

Question proposed, "That those words be there inserted."

Mr. Thomas Shaw 594
Mr. Cochrane 594

Question put.

The House divided :—Ayes, 41 ; Noes, 188. (Division List No. 445.)

Sir Henry Kimber (Wandsworth) 597
Mr. A. J. Balfour 599

Amendment proposed—

> "In page 2, line 11, after the first 'a' to insert the word 'proprietor,'—(*Mr. A. J. Balfour.*)

Queston proposed, "That the word 'proprietor' be there inserted."

Mr. Thomas Shaw 600
Mr. A. J. Balfour 601

Amendment, by leave, withdrawn.

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Amendment proposed—

"In page 2, line 12, after the word 'value' to insert the words 'or to call upon a proprietor to furnish such written statement within six calendar months.'"—(*Mr. Staveley-Hill.*)

Question proposed, "That those words be there inserted."

Mr. Thomas Shaw 602

Question put, and agreed to.

Mr. Cochrane 602

Amendment proposed—

"In page 2, line 22, to leave out from the word 'roll' to end of Subsection 1 of Clause 2."—(*Mr. Cochrane.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. Thomas Shaw 603

Amendment, by leave, withdrawn.

Mr. Staveley-Hill (*Staffordshire, Kingswinford*) 603

Amendment proposed—

"In page 2, line 42, at end, to add the words 'but the assessor shall in all cases as far as possible apportion the separate capital land value in respect of each occupancy, and, if he cannot do so, shall deliver to the valuation committee of each county, district, or burgh, a detailed statement of the causes which have pevented him from so apportioning the capital land value in any case, and this statement shall be accessible to any proprietor or occupier of the lands and heritages affected thereby."—(*Mr. Staveley-Hill.*)

Question proposed, "That those words be there inserted."

Mr. Thomas Shaw 603
Mr. Younger 604

Question put, and negatived.

Mr. J. M. Henderson 604
Mr. Younger 605
Mr. Thomas Shaw 605

Amendment proposed—

"In page 3, line 15, to leave out the words 'by a willing seller.'"—(*Mr. John Henderson.*)

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Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. Austen Chamberlain 605

Amendment proposed—

"In page 3, line 16, after the word 'valuation' to insert the words 'for use in the way in which they are at present used if such use is reasonable."—(*Mr. Austen Chamberlain.*)

Question proposed, "That those words be there inserted."

Mr. Thomas Shaw 606
Mr. Austen Chamberlain 607
Mr. Bonar Law 608

Question put.

The House divided :—Ayes, 35 ; Noes, 177. (Division List No. 446.)

Mr. Cochrane 611

Amendment proposed to the Bill—

"In page 3, line 17, to leave out from the word 'of,' to the end of Subsection (1) of Clause 3, and insert the words 'all improvements in, under, or upon lands and heritages or treatment thereof, so as to equip them for occupation or use, without prejudice to the above generality, *inter alia*, buildings, erections, or structures of whatever nature in, on, or under the soil, fixed or attached machinery, reclamation, embanking, levelling, subsoiling, trenching, planting, clearing, cultivation, provision of water supply, drainage or sewerage, and formation of roads, footpaths, or fences," '—(*Mr. Cochrane*)—instead thereof.

Question proposed, "That the words 'buildings, erections, or' stand part of the Bill."

Mr. Thomas Shaw 613
Mr. A. J. Balfour 614
Mr. Munro-Ferguson 614
Mr. Mitchell-Thomson 614

Amendment, by leave, withdrawn.

Mr. Hills 615

Amendment proposed—

"In page 3, line 17, to leave out the word 'structural.' "—(*Mr. Hills.*)

Question proposed, "That the word 'structural' stand part of the Bill.

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Mr. Thomas Shaw 616
Mr. Austen Chamberlain 616
Mr. Thomas Shaw 617
Mr. A. J. Balfour 618
Mr. Munro Ferguson 619

Amendments agreed to.

Amendment proposed—

"In page 3, line 19, at end, to insert the words 'of drainage, and.'"

"In page 3, to delete lines 21 and 22, and to insert the words 'where the benefit thereof is unexhausted at the time of valuation.'"

Amendments agreed to.

Mr. Younger 619

Amendment proposed to the Bill—

"In page 3, line 23, to leave out from the word 'sold,' to the word 'building,' in line 24, and insert the words 'subject to all public burdens and.'"—(*Mr. Younger.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. Thomas Shaw 620
Mr. A. J. Balfour 620
Mr. Younger 620

Amendment, by leave, withdrawn.

Sir Henry Craik 621

Amendment proposed—

"In page 3, line 24, to leave out from the word 'servitudes,' to end of Subsection (2) of Clause 3."—(*Sir Henry Craik.*)

Question proposed, "That the words 'Provided that where' stand part of the Bill."

Mr. Thomas Shaw 621

Amendment, by leave, withdrawn.

Mr. J. M. Henderson 621

Amendment proposed—

"In page 3, line 25, to leave out the words 'the assessor considers that.'"—(*Mr. J. M. Henderson.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

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Mr. Thomas Shaw 622

Amendment, by leave, withdrawn.

Mr. J. M. Henderson 622

Amendment proposed—

"In page 3, line 30, at end, to add the words, 'Provided always that in estimating the capital land value of land and heritages due regard shall be had to all existing leases or contracts affecting same. Provided also, that in estimating such capital land value regard shall be had to the effect upon such capital value of intended taxation or rating. In assessing the value of unbuilt-on land within municipal boundaries due regard shall be had to the extent of the average yearly demand for such land for building purposes and of the total amount of such land available.' "—(*Mr. J. M. Henderson.*)

Question proposed, "That those words be there inserted in the Bill."

Mr. Thomas Shaw 624

Amendment, by leave, withdrawn.

Mr. Younger 624

Amendment proposed—

"In page 3, line 30, at the end, to insert the words 'Provided that if any lands and heritages are used for occupation as residences by the working classes and are of a suitable character for that purpose, the capital value of such lands and heritages shall be the capital value of the land for the purposes of such occupation.' "—(*Mr. Younger.*)

Question proposed, "That those words be there inserted in the Bill."

Mr. Thomas Shaw 625
Mr. A. J. Balfour 625
Mr. Thomas Shaw 627
Mr. Younger 628

Question put.

The House divided:—Ayes, 36; Noes, 170. (Division List No. 447.)

Motion made, and Question proposed, "That the Bill be now read the third time."

Mr. A. J. Balfour 629
Mr. Thomas Shaw 631
Mr. Austen Chamberlain 632

Question put.

The House divided:—Ayes, 172; Noes, 33. (Division List No. 448.)

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Evicted Tenants (Ireland) Bill.—Order for the consideration of the Lords Amendments read.

The Chief Secretary for Ireland (*Mr. Birrell, Bristol, N.*) .. 635
Mr. Walter Long (*Dublin County, S.*) .. 640
Mr. T. M. Healy (*Louth, N.*) .. 645
Mr. John Redmond (*Waterford*) .. 646

Lords Amendment considered.

Lords Amendment—

"In page 1, lines 5 to 13, to leave out Subsection (1) of Clause 1, and insert—' (1) If the Estates Commissioners are unable to acquire by agreement and on reasonable terms suitable land for the purposes of this Act, and if they have offered to the person appearing to them to be the owner of any land which they desire to acquire compulsorily for such purposes compensation for the loss which would be sustained by the owner by being deprived thereof, and he has not within the prescribed time accepted the offer, they may, subject to the provision of Subsection (8) of Section 2 of this Act, acquire that land compulsorily for those purposes in accordance with the provisions of this Act, and shall declare any land so acquired to be an estate.' "

The first Amendment read a second time.

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."—(*Mr. Birrell.*)

Mr. James Campbell (*Dublin University*) .. 650

Question put.

The House divided:—Ayes, 154; Noes, 22. (Division List No. 449.)

Lords' Amendment—

"In page 2, line 4, after the word 'Acts' to insert the words 'not exceeding two thousand in all.' "

The next Amendment read a second time.

Mr. Birrell .. 655

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."—(*Mr. Birrell.*)

Mr. Walter Long .. 656
Mr. Charles Craig (*Antrim, S.*) .. 657

Question put.

The House divided:—Ayes, 144; Noes, 21. (Division List No. 450.)

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Lords Amendment—

"In page 2, line 15, after the word 'land' to insert the words 'provided always that no lands shall be acquired compulsorily which have been purchased or agreed to be purchased under the Land Purchase Acts prior to the first day of May, one thousand nine hundred and seven, nor any tenanted land which is in the possession or occupation of a *bona-fide* tenant using or cultivating the same as an ordinary farmer in a husbandlike manner.'"

The next Amendment read a second time.

The Attorney-General for Ireland (*Mr. Cherry, Liverpool, Exchange*) .. 659

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."—(*Mr. Cherry.*)

Mr. James Campbell 661
Mr. Birrell 666
Mr. T. M. Healy 668
Mr. Barrie 669
Mr. Charles Craig 671

Question put.

The House divided:—Ayes, 146; Noes, 21. (Division List No. 451.)

Lords Amendment—

"In page 2, lines 16 to 21, to leave out Subsection 4 of Clause 1"—the next Amendment disagreed to.

Amendments made to the Bill instead of the last two Lords Amendments disagreed to—

"In page 2, line 12, by leaving out the word the Estates Commissioners' and inserting the words 'any two of the Estates Commissioners and the Judicial Commissioner,' instead thereof, and in page 2, line 19, by leaving out the word 'January' and inserting the word 'May,' instead thereof, and in page 2, line 21, at the end, by inserting as a new subsection, '(5) No land shall be acquired compulsorily which is subject to an annuity for the repayment of an advance under the Land Purchase Acts.'"—(*Mr. Attorney-General for Ireland.*)

Subsequent Lords Amendments to the Amendment in page 3, lines 22 to 27, leave out Subsection (6) of Clause 2, inclusive, disagreed to.

Amendment made to the Bill, instead of the last Lords Amendment disagreed to—

"In page 3, line 23, by leaving out from the word 'withdrawn' to the word 'Commission' in line 6, and inserting the words 'the purchase money shall within the prescribed time be paid into the Bank of Ireland by the Land Commission and the Estates Commissioners shall.'"—(*Mr. Attorney-General for Ireland*)—instead thereof.

Lords Amendment—

"In page 3, line 29, after the word 'withdrawn,' to insert the words 'the Estates Commissioners or any two of them shall hear and by order determine"—the next Amendment read a second time.

Motion made, and Question proposed, "That the House doth disagree with the Lords in the said Amendment."

Mr. James Campbell 675
Mr. Cherry 675

Question put, and agreed to.

Lords Amendment—

"In page 3, line 30, to leave out from the word 'thereon' to the end of the Subsection (7) and insert: '(8) (*a*) Any person aggreved by any order of the Estates Commissioners made upon the hearing of any such petition as aforesaid may, within the time and in the manner prescribed by rules to be made as hereinafter provided, apply as he shall elect, either to the King's Bench Division of the High Court of Justice in Ireland, or to the Judges of Assize for the county in which the lands sought to be acquired, or the greater part thereof, are situated, to hear and determine any question of law or fact arising out of any such petition or order including any question of law or fact under Section 1, Subsection 3, and Section 6. Every such application shall be heard and determined by one of the Judges of Assize for the said county, or by one of the Judges of the King's Bench Division, to be selected by the said Judges according to a rota to be framed by them at the commencement of each sitting of the said High Court. Upon the hearing of every such application the Judge shall have power and authority to hear and determine all questions of law and fact that may arise, including the adequacy of the compensation awarded by the said order, and in particular the question whether, upon the facts and circumstances proved in evidence before him, the compulsory acquisition of the lands in the said petition or order mentioned was just and reasonable, and he may give judgment affirming, modifying, or reversing the said order of the Estates Commissioners, and may make such order as to the costs of and incidental to the said petition, and the hearing of the said application, as he may think fit; (*b*) Upon the hearing of every such application the said Judge shall have the jurisdiction, power, and authority possessed by a Judge of the High Court of Justice in Ireland when presiding at a trial at Nisi Prius, including the power to administer an oath, and compel the attendance of witnesses and the production of documents. He shall also have the power to direct that an independent valuer, to be nominated by him, should report to him his opinion upon any matter the Judge may think fit to refer to him, and he may make such order in reference to the costs of any such report as he may deem just; (*c*) In the determination of any question as to the adequacy of the compensation offered, the Judge shall have regard to the principles of the provisions of the Lands Clauses Consolidation Act, 1845, applicable to the compulsory purchase of land, and for the purposes of the said application before the said Judge, the Estates

Commissioners shall be deemed to be the promoters of the undertaking within the meaning of the said Act; (*d*) The Estates Commissioners shall be competent, but not compellable witnesses upon the hearing of every such application, and they shall furnish to the Judge hearing the same all such particulars and documents as shall by him be required, including a schedule in the form prescribed by Section 7 of the Act of 1903, together with a statement of the superior interests, if any, to which the lands sought to be acquired, or the estate of which they form a part, may be subject; (*e*) The inspectors and other officers of the Land Commission, other than the Land Commissioners themselves, shall be competent and compellable witnesses upon the hearing of every such application; (*f*) The said King's Bench Division and the Judges of Assize, respectively, may order that all applications pending before them in respect of the same petition or order as aforesaid may be consolidated, and heard together, and for the more convenient, speedy, or proper hearing of any such applications, may order that the hearing of the same may be transferred from the said Division to the Judges of Assize, or from the Judges of Assize to that Division, as the case may be, and the said application, when so transferred, shall be heard and determined as if it had originally been made to the tribunal to which it has been transferred; (*g*) The Judge before whom any such application is heard may, where he deems it expedient, reserve any question or matter arising upon such application, by way of case stated, for the consideration of His Majesty's Court of Appeal in Ireland; (*h*) All cases stated for the Court of Appeal shall be prosecuted, heard, and determined by such Court in such manner and form, and subject to such rules and regulations, as the Court may from time to time by rules direct. The said Court of Appeal shall give such judgment as ought to have been given in the Court below by the Judge thereof, and such judgment shall be of the like effect as if it had been the judgment of the said Judge, or the said Court of Appeal may remit the case with such directions as they think fit to the Court below; (*i*) In the interval between the lodging of any such application to the Judges of Assize and the opening of the Assizes for the county in which such application is to be heard, the King's Bench Division of the High Court of Justice in Ireland shall, on the motion in the prescribed manner of the applicant, the Estates Commissioners, or any party interested, have jurisdiction, power, and authority to make any order of an interlocutory nature in the matter of the said application, as if the same were an action at law pending in the said division; (*j*) The provisions of Section 23 of the Act of 1903 shall apply to this Act so far as the same are not inconsistent with the provisions of the latter. Provided that a question of law which has been decided by a Judge of the High Court or of Assize, or by the Court of Appeal under the provisions of this Act shall not, after the date of such decision, be referred for decision to the Judicial Commissioner nor while a question of law is awaiting decision in any application pending before such a Judge, shall the same question of law be referred for decision to the Judicial Commissioner, unless at the request of some person who is neither a party to nor interested in the matter of the said application; (*k*) The compensation to be paid to any owner of land in respect of the loss thereof shall for the purposes of the Land Purchase Acts be deemed to be the price to be paid for the purchase thereof; (*l*) Rules of Court regulating and prescribing the practice, procedure, and the costs of and incidental to the hearing of all proceedings under this section before the King's Bench Division, or any Judge thereof, or any Judge of Assize, may be made by the authority having power to make Rules of Court for the Supreme Court of Judicature in Ireland; (9) In addition to any compensation to be awarded to the owner under this section, the Estates Commissioners, or the Judges on Appeal, shall have power to award such sum as may appear reasonable in respect of any arrears of rent due by the tenant at the date of the eviction, or in respect of any money paid to the tenants in respect of his interest or goodwill in the lands; (10) If no petition has been presented within the prescribed period, or if every such petition has been withdrawn, or if all questions under all petitions have been determined in such a manner that the Estates Commissioners would be entitled under the order of the Judge of Assize, or of the King's Bench Division, or of the Court of Appeal, as the case may be, to acquire the said lands, a binding agreement for the purchase of the lands shall be deemed to have been concluded between the Estates Commissioners and the owner thereof, and the Land Commission shall within six months pay the amount of the compensation into the Bank of Ireland, and the Estates Commissioners may make an order vesting the lands in the Land Commission' "—the next Amendment, read a second time.

Motion made, and Question proposed, " That this House doth disagree with the Lords in the said Amendment."—(*Mr. Birrell.*)

Mr. James Campbell 678
Mr. Birrell 682
Mr. Walter Long 683

Question put.

The House divided :—Ayes, 141; Noes, 19. (Division List No. 452.)

Lords Amendment—

" In page 3, lines 35 to 38, leave out Subsection (8) of Clause 2," the next Amendment, disagreed to.

Amendments made to the Bill instead of the last Lords Amendment disagreed to, in page 3, line 34, by leaving out from the word " shall," to the end of Clause 2, and inserting the words " subject to the provisions of this subsection, be final: Provided that any person aggrieved by any determination of the Estates Commissioners fixing the price of the land proposed to be acquired, or any determination of a question arising under the provisions of this Act imposing restrictions on the acquisition of land, may, within the prescribed time, appeal to the Judicial Commissioner, who shall hear in the prescribed manner and determine the appeal. (8) The powers conferred upon the Land Commission by Section 48 of the Land Law (Ireland) Act, 1881, may be exercised by the Judicial Commissioner in the case of all proceedings coming before him in pursuance of the last preceding subsection. (9) Subject to the determination of all questions arising on the petition, the purchase money shall, within the prescribed time, be paid into the Bank of Ireland, and the vesting order shall be made, unless the Estates Commissioners, within the prescribed time, serve a notice on the person appearing to them to be the owner of the land that they do not intend to make the order,"—(*Mr. Attorney-General for Ireland*),—instead thereof.

Consequential Amendments made to the Bill—

"In page 5, line 6, by leaving out the word 'petitioner,' and inserting the word 'person,' instead thereof, and in page 5, line 8, by leaving out from the word 'petition,' to the word 'or,' in line 9, and inserting the words 'hearing or appeal under this Act,' "—(*Mr. Attorney-General for Ireland*),—instead thereof.

Subsequent Lords Amendment to the Amendment in page 4, line 14, agreed to.

Lords Amendment—

"In page 4, line 14, after the word 'holding' to insert the words 'and shall at the same time offer to such new tenant such sum as may be reasonably necessary to cover any expense or loss incidencal to the removal of himself and his family as well as of his crops, stock, and chattels to such parcel of land' "—the next Amendment, read a second time, and amended in line 5, by inserting after "and" the word "other, and agreed to.

Lords Amendment—

"In page 4, line 19, after the word 'holding,' to insert the words 'and for any expense or loss incidental to the removal of himself and his family, as well as of his crops, stock, and chattels from the said holding' "—read a second time.

Mr. Birrell 687

Lords Amendment disagreed to.

Lords Amendment—

"In page 4, line 22, after the word '1881' to insert the words 'Provided that the Estates Commissioners may, if they think proper, and the new tenant so desires, award a sum as full compensation under this Subsection 3, without making an offer of a parcel of land under Subsection 2' "—read a second time.

Mr. Birrell 687

Lords Amendment disagreed to.

Amendment made to the Bill, instead of the last Lords' Amendment disagreed to—

"In page 4, line 22, to insert the words '(4) Where the new tenant applies within the prescribed time for compensation under the last preceding subsection, the Estates Commissioners may, if they think proper, award him such compensation without having offered to put him into possession of a parcel of land.' "—(*Mr. Birrell.*)

Consequential Amendment made to the Bill—

"In page 4, line 4, at the beginning to insert the words 'unless the new tenant has applied for compensation as hereinafter mentioned.' "—(*Mr. Birrell.*)

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Lords Amendment—

" In page 5 line 5, at the beginning, to insert the words ' except as hereinbefore provided.' "

The next Amendment disagreed to.

Lords Amendment—

" In page 5, line 13, to leave out Clause 5,"—read a second time.

Mr. Birrell 688

Lords Amendment disagreed to.

Words so restored to the Bill amended by adding at the end thereof the words—

" Provided that the total amount paid out of the Land Purchase Aid Fund under this section shall not exceed £100,000.' "—(*Mr. Birrell.*)

Lords Amendment—

" In page 5, line 25, after the word ' which,' to insert the words ' is or,' and after the word ' farm,' to insert the word ' townpart,' and to leave out the word ' or,' "—

The next Amendment, read a second time, amended by inserting after the word " townpart," the words " within the meaning of the Land Law (Ireland) Acts," and agreed to.—(*Mr. Attorney-General for Ireland.*)

Lords Amendment considered—

" In page 5, line 26, after the word ' ground,' to insert the words ' or ground suitable for building sites or which for any reason possesses an exceptional or accommodation value to the owner,' "—read a second time.

Mr. Cherry 688

Motion made, and Question proposed, " That this House doth disagree with the Lords in the said Amendment."

Mr. James Campbell 689

Question put, and agreed to.

Lords Amendment—

" In page 5, line 33, to leave out the words ' immediately adjoining and ' "—read a second time

Amendment disagreed to.

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Lords Amendment—

"After Clause 6 to insert new Clause B. 'alternative site.'

"'B.—The owner of any land proposed to be acquired under this Act may offer to sell any other land as an alternative, and the Estates Commissioners shall consider any such offer,'"—read a second time.

Lords Amendment agreed to.

Lords Amendment—

"New clause, 'Saving of sporting rights.'

"'C.—Where any land is compulsorily acquired under this Act all sporting rights theretofore vested in the owner of the land shall, if he so desires, be expressly reserved to him,'"—read a second time.

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."

Question put.

The House divided :—Ayes, 136; Noes, 19. (Division List No. 453.)

Subsequent Lords Amendments to the Amendment in page 6, line 24, agreed to.

Lords Amendment—

"In page 6, line 24, to leave out the word 'may' and insert the words 'after having been offered to the person from whom it was acquired may if the offer is not accepted by him within the prescribed time,'"—read a second time

Mr. Birrell 691

Lords Amendment agreed to.

Lords Amendment—

"In page 6, line 39, to leave out Clause 13"—read a second time.

Mr. Birrell 691

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."—(*Mr. Birrell.*)

Mr. Walter Long 694
Mr. John Redmond 694
Mr. James Campbell 695
Mr. T. M. Healy 696

Question put.

The House divided :—Ayes, 139; Noes, 19. (Division List No. 454.)

Lords Amendment—

"After Clause 15 to insert new Clause D, 'Duration of Act.'

"'D.—The provisions of this Act conferring powers for the acquisition of land and for the determination of tenancies shall continue in force for three years after the passing of this Act,'"—read a second time.

Mr. Cherry 697

Lords Amendment, amended as proposed, and agreed to.

Remaining Lords Amendments agreed to.

Committee appointed to draw up reasons for disagreeing to certain of the Amendments made by the Lords to the Bill.

Committee nominated of—Mr. Attorney-General for Ireland, Mr. Birrell, Mr. Clancy, Mr. Muldoon, Mr. John Redmond, and Mr. Russell.

Three to be the quorum.

The Committee to withdraw immediately.—(*Mr. Birrell.*)

Transvaal Loan (Guarantee) Bill.—Considered in Committee.

Mr. Austen Chamberlain 699
Mr. Churchill 699

Bill reported, without Amendment; to be read the third time to-morrow (Wednesday).

PUBLIC WORKS LOAN (REMISSION, ETC.).—Resolution reported, "That it is expedient to authorise the extension of the period for the repayment of certain Loans made by the Commissioners of Public Works in Ireland, and to authorise the remission of a debt due to the Public Works Loan Commissioners from the Cullen Harbour Commissioners, in pursuance of any Act of the present session, to grant money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans."

Resolution agreed to 700

Evicted Tenants (Ireland) Bill.—Reasons for disagreeing to certain of the Lords Amendments reported, and agreed to.

To be communicated to the Lords.—(*Mr. Birrell.*) 700

ADJOURNMENT.

Motion made, and Question, "That this House do now adjourn,"—(*Mr. Whiteley*)—put, and agreed to.

Adjourned accordingly at a quarter before Eight o'clock a.m.

HOUSE OF LORDS: WEDNESDAY, 21ST AUGUST, 1907.

VISCOUNT GORT.—Report made from the Lord Chancellor that the right of John Standish Surtees Prendergast, Viscount Gort in the Peerage of Ireland, to vote at the elections of Representative Peers for Ireland has been established to the satisfaction of the Lord Chancellor; read, and ordered to lie on the Table 701

Small Landholders (Scotland) Bill.

The Marquess of Lansdowne 701
The Lord Privy Seal (*The Marquess of Ripon*) 701

PRIVATE BILL BUSINESS.

York (Micklegate) Strays Bill [H.L.].—Returned from the Commons agreed to, with Amendments. The said Amendments considered and agreed to .. 706

Local Government Provisional Orders (No. 1) Bill; Local Government Provisional Orders (No. 2) Bill.—House in Committee (according to Order). The Amendments proposed by the Committee made. Standing Committee negatived. Then (Standing Order No. XXXIX. having been suspended). Amendments reported. Bill read 3ª, and passed, and returned to the Commons 706

Local Government Provisional Orders (No. 3) Bill.—House in Committee (according to Order). Bill reported without Amendment. Standing Committee negatived. Then (Standing Order No. XXXIX. having been suspended). Bill read 3ª, and passed 706

Local Government Provisional Orders (No. 4) Bill; Local Government Provisional Orders (No. 5) Bill.—House in Committee (according to Order). The Amendments proposed by the Committee made. Standing Committee negatived. Then (Standing Order No. XXXIX. having been suspended). Amendments reported. Bill read 3ª, and passed, and returned to the Commons 706

Local Government Provisional Orders (No. 6) Bill.—House in Committee (according to Order). Bill reported without Amendment. Standing Committee negatived. Then (Standing Order No. XXXIX. having been suspended). Bill read 3ª, and passed 706

Local Government Provisional Orders (No. 7) Bill.—House in Committee (according to Order). The Amendments proposed by the Committee made. Standing Committee negatived. Then (Standing Order No. XXXIX. having been suspended). Amendments reported. Bill read 3ª, and passed, and returned to the Commons 706

Local Government Provisional Orders (No. 9) Bill.—House in Committee (according to Order). The Amendments proposed by the Committees made. Standing Committee negatived. Then (Standing Order No. XXXIX. having been suspended). Amendment reported. Bill read 3ª, and passed, and returned to the Commons 707

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Local Government Provisional Orders (No. 10) Bill.—House in Committee (according to Order). The Amendments proposed by the Committees made: Standing Committee negatived. Then (Standing Order No. XXXIX. having been suspended). Amendments reported. Bill read 3ª, and passed, and returned to the Commons 707

Local Government Provisional Orders (No. 11) Bill; Local Government Provisional Orders (No. 12) Bill.—House in Committee (according to Order). The Amendments proposed by the Committee made: Standing Committee negatived. Then (Standing Order No. XXXIX. having been suspended) Amendment reported. Bill read 3ª, and passed, and returned to the Commons 707

Local Government Provisional Orders (No. 13) Bill.—House in Committee (according to Order). Bill reported without Amendment. Standing Committee negatived. Then (Standing Order No. XXXIX. having been suspended). Bill read 3ª, and passed 707

Local Government Provisional Orders (No. 14) Bill; Local Government Provisional Order (No. 15) Bill.—House in Committee (according to Order). The Amendment proposed by the Committee made. Standing Committee negatived. Then (Standing Order No. XXXIX. having been suspended.) Amendments reported. Bill read 3ª, and passed, and returned to the Commons 707

Caledonian Railway Order Confirmation Bill; Kilmarnock Corporation Water Order Confirmation Bill.—Read 3ª (according to Order), and passed 707

Local Government Provisional Orders (No. 8) Bill.—House in Committee (according to Order.)

Lord Avebury 707

Amendment moved—

"In page 8, line 5, after '1888' to insert the words 'The auditor shall have the right of access to all such papers, books, accounts, vouchers, sanctions for loans, and so forth, as are necessary for his examination and certificate.

"'He should be entitled to require from officers of the authority such information and explanation as may be necessary for the performance of his duties.

"'He should certify—(1) that he has found the accounts in order or otherwise as the case may be; (2) that separate accounts of all trading undertakings have been kept and that every charge which each ought to bear has been duly debited; (3) that in his opinion the accounts issued present a true and correct view of the transactions and results of trading (if any) for the period under investigation; (4) that due provision has been made out of revenue for the repayment of loans, that all items of receipts and expenditure and all known liabilities have been brought into account, and that the value of all assets has in all cases been fairly stated.'"—(*Lord Avebury.*)

Lord Allendale 709

Amendment, by leave, withdrawn.

Standing Committee negatived; then (Standing Order No. XXIX. having been suspended), Amendments reported. Bill read 3ª, and passed, and returned to the Commons.

PRIVATE BILLS—THE STANDING ORDERS.

The Chairman of Committees (The Earl of Onslow) 710

Moved, "That the Standing Orders be amended as follows:"

NOTE.—The words in SMALL CAPITALS are to be omitted, and the words printed in *Italics* are to be inserted.

5. In cases of Bills for constructing gasworks or sewage works, or works for the manufacture or conversion of the residual products of gas or sewage, or for making or constructing a sewage farm, cemetery, burial ground, crematorium, destructor OR hospital for infectious disease *or station for generating electrical energy,* the notices shall set forth and specify the lands in or upon which such gasworks, sewage works, works for the manufacture or conversion of residual products, farms, cemetery, burial ground, crematorium, destructor OR hospital *or generating station,* is intended to be made or constructed.

THIS ORDER SHALL APPLY IN THE CASE OF EVERY BILL IN WHICH COMPULSORY POWERS ARE SOUGHT, OF TAKING LANDS FOR THE CONSTRUCTION OF A STATION FOR GENERATING ELECTRICITY.

15. On or before the fifteenth day of December immediately preceding the application for a Bill for constructing gasworks or sewage works, or works for the manufacture or conversion of the residual products of gas or sewage, or for constructing any station for generating electrical energy ON SPECIFIED LANDS, OR FOR MAKING OR CONSTRUCTING A sewage farm, cemetery, burial ground, crematorium, destructor, or hospital for infectious disease, notice shall be served upon the owner and lessee of every dwelling-house situate within three hundred yards of the lands in or upon which such gasworks, sewage works, works for the manufacture or conversion of residual products, generating station, farm, cemetery, burial ground, crematorium, destructor or hospital, may be made or constructed.

26. In cases where tidal lands within the ordinary spring tides are to be acquired or in any way affected a copy of the plans and sections shall on or before the thirtieth day of November, immediately preceding the application for the Bill, be deposited at the Office of the Harbour Department, Board of Trade, marked "Tidal Waters"; and on such copy all tidal waters shall be coloured blue, and, if the plans include any bridge, across tidal waters, the dimensions as regards span and headway of the nearest bridges, if any, across the same tidal waters, above and below the proposed new bridge, shall be marked thereon; and in all such cases, such plans and sections shall be accompanied by an Ordnance map of the country over which the works are proposed to extend, or are to be carried, with their position and extent, or route accurately laid down thereon:

And, in cases where the work is to be situate on the banks, foreshore, or bed of any river, *so much of the plans and sections as relates to such river,* a copy of the plans and sections shall, on or before the thirtieth day of November immediately preceding the application for the Bill, be deposited—

(1) If the river is in England or Wales, at the Office of the Board of Agriculture and Fisheries ; or

(2) If the river is in Scotland, at the Office of the Secretary for Scotland ; or

(3) If the river is in Ireland, at the Irish Office, Westminster, and at the Office of the Department of Agriculture and Technical Instruction for Ireland, Dublin ; and

(4) IF THE RIVER IS SUBJECT TO A BOARD OF CONSERVATORS *If there be a Board of Conservancy of the river* at the Office also of such Board ; and, if the plans include any tunnel under or bridge over the river, the depth of such tunnel below the bed of the river, or the span and headway of such bridge shall be marked thereon ; and such plans shall be accompanied by an Ordnance map of the country over which the works are proposed to extend or are to be carried, with their position and extent or route accurately laid down thereon.

29. Where under the powers of any Bill, any work is intended to be made, maintained, varied, extended, or enlarged, or any lands or houses may be taken or used compulsorily, or an improvement charge may be imposed, a copy of so much of the said plans and sections as relates to any of the areas hereinafter mentioned, together with a copy of so much of the book of reference as relates to such area, shall, on or before the thirtieth day of November, be deposited with the officer respectively hereinafter mentioned, that is to say, in the case of—

(*a*) The City of London, or any borough in England or Wales, whether Metropolitan or other, with the town clerk of such city or borough ;

(*b*) Any urban district in England or Wales (not being a borough) *or any rural district*, with the clerk of the district council ;

(*c*) Any parish in England or Wales having a parish council, with the clerk of the parish council, or, if there is no clerk, with the chairman of that council ;

(*d*) Any parish in England or Wales comprised in a rural district, and not having a parish council, with the chairman of the parish meeting, AND WITH THE CLERK OF THE DISTRICT COUNCIL ;

(*e*) Any burgh in Scotland, with the town clerk ;

(*f*) Any parish in Scotland, outside a burgh, with the clerk of the parish council ;

(*g*) Any urban or rural district in Ireland, with the clerk of the district council.

Deposits on or before the 21st of December.

33. On or before the 21st day of December a printed copy shall be deposited—

(1) Of every Local Bill at the Office of His Majesty's Treasury AT THE LOCAL GOVERNMENT BOARD and at the General Post Office;

(2) *Of every Local Bill relating to England and Wales, at the Office of the Secretary of State for the Home Department and at the Office of Local Government Board*;

(3) Of every Local Bill relating to Scotland or Ireland, at the Office of the Secretary for Scotland, or the Irish Office, as the case may be;

(4) Of every Local Bill relating to railways, tramways, canals, gas, water, patents, or electric lighting, or for incorporating or giving powers to any company, at the Office of the Board of Trade;

(5) Of every Local Bill relating to any dock, harbour, navigation, pier, port, or tidal waters, at the Office of the Harbour Department of the Board of Trade, marked "Tidal Waters";

(6) Of every Bill of the Second Class whereby it is intended to authorise the construction of any work on the banks, foreshore, or bed of any river, at the Office of the Board of Agriculture and Fisheries, and at the Office of the Conservators of the River (if any);

(7) Of every Local Bill containing provisions with respect to the use of weights and measures, or the inspection or verification of the same at the Standards Department of the Board of Trade;

(7) OF EVERY LOCAL BILL.

(a) RELATING TO A LOCAL COURT OR STIPENDIARY MAGISTRATE;

(b) WHEREBY POWER IS SOUGHT TO TAKE ANY CHURCHYARD, BURIAL GROUND, CEMETERY, OR ANY PART THEREOF, OR TO DISTURB THE BODIES INTERRED THEREIN, OR TO TAKE ANY COMMON OR COMMONABLE LAND;

(c) PROMOTED BY ANY MUNICIPAL OR OTHER LOCAL AUTHORITY, BY WHICH IT IS PROPOSED TO CREATE POWERS RELATING TO POLICE OR SANITARY REGULATIONS WHICH DEVIATE FROM, OR ARE IN EXTENSION OF, OR REPUGNANT TO THE GENERAL LAW,

AT THE OFFICE OF THE SECRETARY OF STATE FOR THE HOME DEPARTMENT:

* * * *

(10) OF EVERY BILL AFFECTING ANY EDUCATIONAL ENDOWMENT OR INSTITUTION OR SETTING UP OR TAKING POWER TO SET UP ANY EDUCATIONAL FOUNDATION OR INSTITUTION, OR WHEREBY THE BOUNDARIES OF ANY SCHOOL DISTRICT OR THE JURISDICTION OF ANY SCHOOL BOARD ARE AFFECTED, AT THE OFFICE OF THE BOARD OF EDUCATION;

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(10) *Of every Bill relating to England or Wales which in any manner affects education or educational endowments or alters the boundary of any county, borough, or urban district, or affects the incidence of any local rate out of which any educational expenditure is payable, at the Office of the Board of Education.*

34*a*. On on before the twenty-first day of December a printed copy of every Local Bill *of the first class* which proposes to authorise any persons other than the road authority to break up or otherwise interfere with any streets or roads shall be deposited at the office of the road authority.

38. Where any Bill contains or revives or extends power to take compulsorily or by agreement any land in any local area as defined for the purposes of this Order, and such taking involves or may involve the taking in that area of any house or houses occupied either wholly or partially by thirty or more persons of the working class, whether as tenants or lodgers, the Promoters shall deposit in the Office of the Clerk of the Parliaments, and at the Office of the Central Authority, on or before the twenty-first day of December, a statement giving the description and postal address of each of such houses, its number on the deposited plans, the parish in which it is situate, and the number (so far as can be ascertained) of persons of the working class residing in it, and also a copy of so much of the deposited plans (if any) as relates thereto.

This order shall not apply where a statement in pursuance of this Order was deposited in respect of the Act, the powers of which are proposed to be revived or extended.

For the purposes of this Order—

* * * *

The expression "Central Authority" means as regards LONDON THE SECRETARY OF STATE FOR THE HOME DEPARTMENT, AND AS REGARDS England and Wales (OUTSIDE LONDON), the Local Government Board, as regards Scotland the Secretary for Scotland, and as regards Ireland the Local Government Board for Ireland :

The expression "Bill" includes a Bill confirming a Provisional Order.

7. PROVISIONS RELATING TO THE *Consents of Proprietors or Members of Companies* ALREADY CONSTITUTED, *and of Persons named as Directors.*

62. In the case of every Bill, whether originating in this House or in the House of Commons, promoted by a company already constituted by Act of Parliament, proof shall be given before the Examiner, before the Second Reading of the Bill in this House, that the following requirements have been complied with, and the Examiner shall report accordingly :—

* * * *

71*a*. *Any Local Bill or Provisional Order Confirmation Bill brought from the House of Commons in which Amendments have been made during their progress through this House shall, if the Chairman of Committees thinks fit, be referred to the Examiners to consider and report whether the Standing Orders have been complied with in respect of such Amendments.*

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75. Every memorial complaining of non-compliance with the Standing Orders in respect of any Bill referred to the Examiners after First Reading, or in respect of any petition for additional provision, *or by direction of the Chairman of Committees*, shall, together with two copies thereof, be deposited in the Office of the Clerk of the Parliaments before twelve o'clock on the day preceeding that appointed for the examination.

96. Every Local Bill *which is opposed and every* OR Provisional Order Confirmation Bill *as respects any opposed Orders scheduled thereto* WHICH IS OPPOSED shall be refsrred to a Select Committee of five.

Cemeteries, Gasworks, etc.

139. In every Bill for making or constructing gasworks or sewage works or works for the manufacture or conversion of the residual products of gas or sewage, or for making or constructing, altering, or enlarging any sewage farm, cemetery, burial ground, crematorium, destructor, OR hospital for infectious diseases, *or station for generating electric power*, there shall be inserted a clause defining the lands in or upon which such gasworks, sewage works, farm, cemetary, burial ground, crematorium, destructor, OR hospital, *or generating station* may be made or constructed.

IN THE CASE OF A BILL AUTHORISING THE GENERATION, SUPPLY, OR USE OF ELECTRICITY THERE SHALL BE INSERTED EITHER A CLAUSE DEFINING THE LANDS IN OR UPON WHICH ANY STATION FOR GENERATING ELECTRICITY MAY BE CONSTRUCTED OR A CLAUSE TO THE EFFECT THAT THE UNDERTAKERS SHALL NOT BE EXONERATED FROM ANY INDICTMENT, ACTION OR OTHER PROCEEDING FOR NUISANCE IN THE EVENT OF ANY NUISANCE BEING CAUSED OR PERMITTED BY THEM ON THE LANDS ON WHICH ANY SUCH GENERATING STATION MAY BE CONSTRUCTED.

143. *A copy of every local Bill, if amended in Committee, shall, as so amended, be deposited at every office at which it was deposited under Standing Orders 33 and 34, or would be required to be deposited under those Orders if it had been originally introduced as amended in Committee.* 143. A COPY OF EVERY RAILWAY BILL, TRAMROAD BILL, AND TRAMWAY BILL, IF AMENDED IN COMMITTEE, SHALL, AS SO AMENDED, BE DEPOSITED AT THE OFFICE OF THE BOARD OF TRADE three days before the Bill is read a third time, and proof of compliance with this Order shall be given by depositing a certificate from that Board in the Office of the Clerk of the Parliaments.

143. A COPY OF EVERY RAILWAY BILL, TRAMROAD BILL, AND TRAMWAY BILL, IF AMENDED IN COMMITTEE, SHALL, AS SO AMENDED, BE DEPOSITED AT THE OFFICE OF THE BOARD OF TRADE THREE DAYS BEFORE THE BILL IS READ A THIRD TIME, AND PROOF OF COMPLIANCE WITH THIS ORDER SHALL BE GIVEN BY DEPOSITING A CERTIFICATE FROM THAT BOARD IN THE OFFICE OF THE CLERK OF THE PARLIAMENTS.

1*a*. A COPY OF EVERY LOCAL BILL, IF AMENDED IN COMMITTEE, SHALL, AS SO AMENDED, BE DEPOSITED AT THE OFFICE OF HIS MAJESTY'S TREASURY AT THE LOCAL GOVERNMENT BOARD, AND AT THE GENERAL POST OFFICE THREE DAYS BEFORE THE BILL IS READ A THIRD TIME.—(*The Earl of Onslow.*)

On Question, Motion agreed to.

Standing Orders amended accordingly, and to be printed as amended. (No. 194).

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PETITIONS.

Small Landholders (Scotland) Bill.—Petition for amendment of: Of Ross and Cromarty Land Property Defence Association; read, and ordered to lie on the Table. 717

Marriage with a Deceased Wife's Sister Bill.—Petition against: of persons signing (3); read, and ordered to lie on the Table 718

RETURNS, REPORTS, ETC.

Board of Education.—Supplementary Regulation for Secondary Schools in England, 1907 718

Treaty Series, No. 24 (1907).—Supplementary Agreement between the United Kingdom and Sweden for the mutual surrender of fugitive criminals; signed at London, 2nd July, 1907 718

Army.

1. Memorandum on the Militia and Yeomanry.

2. Report of the Advisory Board, London School of Economics, on the first course at the London School of Economics, January to July 1907, for the training of officers for the higher appointments on the Administrative Staff of the Army, and for the charge of departmental services.

Presented [by Command]; and ordered to lie on the Table 718

Evicted Tenants (Ireland) Bill.—Returned from the Commons with several of the Amendments agreed to, several others agreed to, with Amendments, and with consequential Amendments to the Bill; several others disagreed to, but Amendments made in lieu thereof; and several others disagreed to with reasons for such disagreement; The said Amendments and reasons to be printed, and to be considered on Friday next. (No. 193.) .. 718

Business of the House.—Moved, "That Standing Order No. XXI be considered in order to it being suspended for this day's sitting; and that the Order for the Second Reading of the Consolidated Fund (Appropriation) Bill have precedence of the other Notices and Orders of the day."—(*The Marquess of Ripon.*)

On Question, Motion agreed to, and ordered accordingly 718

Consolidated Fund (Appropriation Bill) [Second Reading].—Order of the Day for the Second Reading read.

Move, "That the Bill be now read 2ª."—(*The Marquess of Ripon.*)

The Marquess of Lansdowne 719
The Lord Chancellor (Lord Loreburn) 721
The Marquess of Londonderry 722

On Question, Bill read 2ª: Then (Standing Order No. XXXIX having been suspended), Bill read 3ª, and passed.

"LIVE RAIL" ACCIDENTS.

Viscount Galway 723

Moved, "That there be laid before the House a Return of the total number of persons injured by what is called the "live rail" on railways in the years 1904, 1905, 1906, and the first eight months of 1907; defining in the Return the number of fatal accidents, and on what railway companies they took place."—(*Viscount Galway.*)

The Earl of Granard 724

On Question, Motion agreed to, and ordered accordingly.

Education (Administrative Provisions) Bill [SECOND READING].—Order of the Day for the Second Reading read.

The Earl of Crewe 724

Moved, "That the Bill be now read 2ª."—(*The Earl of Crewe.*)

The Lord Archbishop of Canterbury 729
The Marquess of Londonderry 730
Lord Belper 731
The Earl of Crewe 733
The Lord Bishop of Hereford 733

On Question, Bill read 2ª, and committed to a Committee of the Whole House To-morrow.

Small Holdings and Allotments Bill.

House in Committee (according to Order.)

[The Earl of ONSLOW in the Chair.]

Clause 1:—

Lord Heneage 734

Amendment moved—

"In page 1, line 10, to leave out the word 'persons' and to insert the words 'officers of the Board.'"—(*Lord Heneage.*)

Lord Burghclere 735
The President of the Board of Agriculture and Fisheries (Earl Carrington) 736
Viscount St. Aldwyn 736

Amendment, by leave, withdrawn.

On Question, Clause 1 agreed to.

Clause 2:—

Viscount Hill 737

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Amendment moved—

"In page 1, lines 24 and 25, to leave out the words 'either actual or prospective'"—(*Viscount Hill.*)

Earl Carrington 738
Lord Belper 738
Marquess of Lansdowne 740
The Duke of Richmond 740
The Under-Secretary of State for Foreign Affairs (*Lord Fitzmaurice*) .. 741
The Duke of Northumberland 742
Earl Carrington 743
Viscount St. Aldwyn 744

On Question, Amendment agreed to.

Lord Haversham 744

Amendment moved—

"In page 1, line 25, after 'Counties' to insert the words 'England and Wales.'"—(*Lord Haversham.*)

Earl Carrington 745

Amendment, by leave, withdrawn.

The Duke of Northumberland 745

Amendment moved—

"In page 2, line 3, to leave out the words 'employer or.'"—(*The Duke of Northumberland.*)

Earl Carrington 746
The Earl of Camperdown 747
The Duke of Northumberland 747
Lord Ampthill 748
Lord Fitzmaurice 748
The Chairman of Committees (*The Earl of Onslow*) 748
Viscount St. Aldwyn 749

On Question, Amendment agreed to.

Lord Haversham 749

Amendment moved—

"In page 2, line 21, to leave out the word 'councils' and to insert the word 'council,' and to leave out the words 'and of the,' and to leave out the word 'urban.'"—(*Lord Haversham.*)

Earl Carrington 750

Amendment, by leave, withdrawn.

The Marquess of Huntley 751

Amendment moved—

"In page 2, line 22, after 'concerned' to insert the following new subsection: '(5) In the course of their inquiries under this section in the several counties, the Commissioners shall take steps to ascertain whether any, and, if so, what provision is made in elementary and continuation schools in rural districts for instruction in rural industries, and for this purpose the Commissioners shall confer with the county councils, and they shall report to the Board the information acquired by them respecting any county.' "—(*The Marquess of Huntley.*)

Lord Belper 752
Earl Carrington 753

Amendment, by leave, withdrawn.

Clause 2, as amended, agreed to.

Clause 3:—

Lord Barnard 753

Amendment moved—

"In page 2, line 27, to leave out 'modifications or.' "—(*Lord Barnard.*)

Earl Carrington 754
Viscount St. Aldwyn 754

Amendment, by leave, withdrawn.

The Earl of Camperdown 754

Amendment moved—

"In page 2, line 28, to leave out from 'council' to the end of Subsection (1), and insert 'and shall take into consideration any observations of the county council thereon, and also any alternative proposals which may be made by the council, after which the Board shall forward to the council a statement of their final decision, and it shall be the duty of the council to give effect to such decision."—(*The Earl of Camperdown.*)

Earl Carrington 755
Viscount St. Aldwyn 756
Lord Fitzmaurice 757
Lord Belper 757

House resumed.

Commission.—The following Bills received the Royal Assent:—

1. Consolidated Fund (Appropriation).
2. Released Persons (Poor Law Relief).

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3. Salmon and Freshwater Fisheries.
4. Petty Sessions Clerks (Ireland).
5. Evidence (Colonial Statutes).
6. Married Women's Property.
7. Probation of Offenders (No. 2).
8. Prisons (Ireland).
9. Butter and Margarine.
10. Post Office Sites.
11. Paisley Corporation Order Confirmation.
12. Leith Burgh Order Confirmation.
13. Aberdeen Corporation Electricity.
14. National Trust for Places of Historic Interest or Natural Beauty.
15. Llandrindod Wells Gas.
16. London County Council (Money).
17. Neath, Pontardawe, and Brynaman Railway.
18. City of London (Union of Parishes).
19. Swansea Harbour.
20. Oxford and District Tramways.
21. Renfrewshire Upper District (Eastwood and Mearns) Water.
22. London County Council (Tramways and Improvements).
23. Colne Valley Water.
24. Glasgow Corporation.
25. North Staffordshire Railway.
26. Armagh Urban District Council.

Small Holdings and Allotments Bill.

House again in Committee.

Clause 3:—

Amendment of the Earl of Camperdown proceeded with.

Earl Carrington 759
Earl of Camperdown 759
Lord Fitzmaurice 760

Amendment, by leave, withdrawn.

Amendment moved—

"In page 2, line 30, after 'aforesaid' to insert 'or subject to such further modifications as the Board may make after considering any representations submitted to them by the County Council.'"—(*Earl Carrington.*)

On Question, Amendment agreed to.

Drafting Amendment agreed to.

Earl Carrington 760

Amendment moved—

> "In page 2, line 38, after 'schemes' to insert the following new subsection: '(3) A county council, if they think fit may, without receiving any such report as aforesaid, prepare one or more draft schemes for the provision of small holdings in their county.'"—(*Earl Carrington.*)

Lord Belper 761
The Duke of Northumberland 763

On Question, Amendment agreed to.

Viscount St. Aldwyn 764

Amendment moved—

> "In page 2, line 40, to leave out the word 'localities' and insert the word 'parishes.'"—(*Viscount St. Aldwyn.*)

Earl Carrington 764
Lord Fitzmaurice 765

Amendment, by leave, withdrawn.

The Earl of Plymouth 766
Earl Carrington 766
The Earl of Dartmouth 767
Lord Fitzmaurice 767
Earl Cawdor 768
Lord Fitzmaurice 769
Viscount St. Aldwyn 770

Amendment moved—

> "In page 3, line 5, after the words 'or other similar rights,' to insert the words 'to be defined in the scheme.'"—(*Viscount St. Aldwyn.*)

On Question, Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4:—

The Earl of Camperdown 770

Amendment moved—

> "In page 3, line 24, after the word 'Board' to insert the words 'being not less than thirty days after such publication and advertisement.'"—(*The Earl of Camperdown.*)

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Earl Carrington 771

Amendment, by leave, withdrawn.

Lord Belper 771

Amendment moved—

"In page 3, line 28, after the word 'publicity,' to insert the words 'provided that where a draft scheme is prepared by the Commissioners it shall not be published or advertised until any county council concerned has had an opportunity of stating any objections thereto to the Board, and until such objections have been considered by the Board.'" —(*Lord Belper.*)

Earl Carrington 773
Lord Belper 773
Lord Fitzmaurice 773
Lord Belper 775
Viscount St. Aldwyn 776
Lord Fitzmaurice 776

Amendment, by leave, withdrawn.

Viscount St. Aldwyn 777

Amendment moved—

"In page 3, line 31, after 'Council' to insert 'or any person affected.'"—(*Viscount St. Aldwyn.*)

Earl Carrington 778
Viscount St. Aldwyn 778
Lord Fitzmaurice 778
Earl Carrington 779

Amendment, by leave, withdrawn.

Viscount Hill 779

Amendment moved—

"In page 3, line 34 after the word 'council' to insert the words 'persons who have duly lodged an objection.'"—(*Viscount Hill.*)

Earl Carrington 780
Lord Clifford of Chudleigh 780
Lord Barnard 781

Amendment, by leave, withdrawn.

The Earl of Camperdown 781

Amendment moved—

"In page 3, line 40, after the word 'fit' to insert the words 'and may confirm.'"—(*The Earl of Camperdown.*)

Earl Carrington 782

On Question, Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5 :—

Viscount St. Aldwyn 782

Amendment moved—

"In page 4, line 8, to leave out the word 'shall,' and insert the word 'may.'"—(*Viscount St. Aldwyn.*)

Earl Carrington 783
Viscount St. Aldwyn 783

Amendment, by leave, withdrawn.

The Duke of Northumberland 784

Amendment moved—

"In page 4, line 24, after the word 'council' to insert the following new subsection: '(3) Before any Order under this section is made by the Board, the draft thereof, together with a Minute stating the circumstances under which such Order is proposed or intended to be made shall be laid before each House of Parliament for a period of not less than thirty days during the session of Parliament.'"—(*The Duke of Northumberland.*)

Earl Carrington 787
Viscount St. Aldwyn 787
The Duke of Northumberland 788
Lord Belper 789

Amendment, by leave, withdrawn.

Amendment moved—

"In page 4, line 24, after the word 'council' to insert the following new subsection: 'Where any Order is made under this subsection a copy thereof together with a Minute stating the circumstances under which such Order was made shall be laid before both Houses of Parliament as soon as possible after the Order has been made.'"—(*Lord Belper.*)

On Question, "That those words be there inserted," their Lordships divided :—Contents, 135; Not-Contents, 27.

On Question, that Clause 5, as amended, stand part of the Bill.

Viscount St. Aldwyn 791
Earl Carrington 793
Viscount St. Aldwyn 794
Lord Burghclere 794

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The Earl of Onslow 795

Clause 5, as amended, agreed to.

Clause 6 :—

The Earl of Dartmouth 795

Amendment moved—

"In page 4, line 32, after the word 'to' insert the words 'purchase or.'"—(*The Earl of Dartmouth.*)

Earl Nelson 798
Earl Carrington 799
Lord Courtney of Penwith 802
The Earl of Harrowby 804
Viscount St. Aldwyn 804
The Marquess of Londonderry 806
The Lord Privy Seal (The Marquess of Ripon) 807
The Marquess of Lansdowne 808

On Question, "That those words be there inserted," their Lordships divided :—Contents, 116 ; Not-Contents, 40.

House resumed, and to be again in Committee To-morrow.

Merchant Shipping (Tonnage Deduction for Propelling Power) Bill. —Bill read 3ª (according to order), with the Amendments ; and passed, and returned to the Commons 811

Land Values (Scotland) Bill—Bill brought from the Common and read 1ª ; to be printed ; and to be read 2ª on Saturday next.—(*The Lord Hamilton of Dalzell*). [No. 195.] 811

Small Landholders (Scotland) Bill.

The Marquess of Ripon 811
The Marquess of Lansdowne 812
The Earl of Rosebery 813
The First Lord of the Admiralty (Lord Tweedmouth) 814
The Earl of Crewe 814
Lord Balfour of Burleigh 815
The Earl of Camperdown 815
The Marquess of Ripon 815

House adjourned at five minutes before Twelve o'clock, till To-morrow, a quarter past Four o'clock.

HOUSE OF COMMONS: WEDNESDAY, 21st AUGUST, 1907.

The House met at a quarter before Three of the Clock.

PRIVATE BILL BUSINESS.

Metropolitan Water Board (Charges, &c.) Bill—Lords Amendent, in pursuance of the Order of the House [19th August] considered, and agreed to. 816

York (Micklegate Strays) (Re-committed) Bill [Lords].—Ordered, That in the case of the York (Micklegate Strays) (Re-committed) Bill [Lords], Standing Orders 84, 214, 215, and 239 be suspended, and that the Bill be now taken into consideration.—(*The Chairman of Ways and Means.*)

Bill, as amended, accordingly considered.

Ordered, That Standing Orders 223 and 243 be suspended, and that the Bill be now read the third time.—(*The Chairman of Ways and Means.*)

Bill accordingly read the third time, and passed, with Amendments 816

Standing Order (Private Business).

The Chairman of Ways and Means (*Mr. Emmott, Oldham*) 817

Standing Order 5 was read, and amended, in line 4, by leaving out the word "or," and by inserting after the word "disease," the words "or station for generating electrical energy."

In line 8, by leaving out the first word "or," and by inserting after the word "Hospital," the words "or generating station," and by leaving out from the word "constructed," to the end of the Standing Order.

Standing Order 15 was read, and amended, in line 5, by leaving out the words "on specified lands."

Standing Order 29 was read, and amended in paragraph (b), line 1, by inserting, after the word "Borough," the words "or any Rural District."

In paragraph (d), line 3, by leaving out the words "and with the clerk of the district council."

Standing Order 33 was read, and amended, in paragraph (1), line 2, by leaving out the words "at the Local Government Board," and by inserting, after paragraph (1), the following new paragraph—

"(2) Of every Private Bill relating to England and Wales, at the Office of the Secretary of State for the Home Department and at the Local Government Board," and by leaving out paragraph (7).

In paragraph (10), line 1, by leaving out from the word "Bill," to the end of the paragraph, and inserting the words "relating to England and Wales which in any manner affects education or educational endowments, or alters the boundary of any county, borough, or urban district, or affects the incidence of any local rate out of which any educational expenditure is payable, at the Office of the Board of Education."

Ordered, That on or before the thirty-first day of December copies of the estimates of expenditure for any permanent works proposed to be executed by any municipal corporation, district council, joint board or joint committee, or other local authority in England or Wales, shall be deposited at the Private Bill Office, and at the Office of the Board of Trade or of the Local Government Board, as the case may require.

The estimates shall be in the following form, or as near thereto as circumstances may permit:—

Estimates for Permanent Works.

	£	s.	d.
Purchase of land and easements			
Buildings, (specifying generally their nature)			
Reservoirs, filter beds, etc.			
Tunnels, embankments, dams, etc.			
Trunk mains and main sewers			
Other mains, pipes, sewers, and sewage disposal works			
Other works grouped with regard to the probable life of the works			

If any moneys are required to be borrowed to meet any excess of expenditure previously authorised by Parliament, the Board of Trade, or the Local Government Board, there shall be deposited with the said estimates a statement of the purposes and reasons for the borrowing.

Together with the said estimates there shall be deposited a statement showing the following particulars with respect to the district of the local authority, that is to say: (*a*) area of the district; (*b*) population according to the last census; (*c*) rateable and assessable value according to the last valuation list; (*d*) rates made in the district during the last preceding financial year; (*e*) the sum of the balances of outstanding loans contracted by the local authority; and (*f*) the amount of the outstanding loans to which the limitation of section two hundred and thirty-four of The Public Health Act, 1875, applies.

Resolved, That this Order be a Standing Order of this House.

Standing Order 38 was read, and amended, in page 66, lines 33 and 34, by leaving out the words "as regards London, the Secretary of State for the Home Department, and."

In line 35, by leaving out the words "(outside London)."

Standing Order 84 was read, and amended, in line 4, by leaving out from the word "deposited," to the end of the Order, and inserting the words "at every office at which it was deposited under Standing Orders 33 and 34, or would be required to be deposited under those Orders if it had been originally introduced as amended in Committee."

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Standing Order 172 was read, and amended, at the end, by adding the words—" Copies of the estimates and statements deposited in accordance with Standing Order 36a shall be laid before the Committee for the purposes of this Order."

Standing Order 187 was read, and amended, in line 4, by leaving out the word " or."

In line 5, by inserting after the word " disease," the words " or station for generating electrical energy."

In line 7, by leaving out the first word "or," and inserting, after the word " Hospital," the words " or generating station."

In line 8, by leaving out from the word " constructed," to the end of the Standing Order.—(*The Chairman of Ways and Means.*)

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Higher Education (England and Wales) (Application of Funds by Local Authorities).—Return presented, relative thereto [ordered 2nd August, 1906 : *Mr. McKenna*] ; to lie upon the Table, and to be printed. [No. 325] 821

Unemployed Workmen Act, 1905.—Return presented, relative thereto [ordered 20th August ; *Mr. Burns*] ; to lie upon the Table, and to be printed. [No. 326.] 821

Army.—Copy presented, of Memorandum on the Militia and Yeomanry [by Command] ; to lie upon the Table 821

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ARMY.—Copy presented, of Report of the Advisory Board, London School of Economics, on the First Course, at the London School of Economics, January to July, 1907, for the Training of Officers for the Higher Appointments on the Administrative Staff of the Army and for the Charge of Departmental Services [by Command]; to lie upon the Table 821

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MESSAGE FROM THE LORDS.—That they have agreed to, Consolidated Fund (Appropriation) Bill; Isle of Man (Customs) Bill, without Amendment.

Companies Bill [LORDS].—As amended, considered.

Mr. Bottomley (Hackney, S.) 870

New clause—

> "If any person or persons trade or carry on business under any name or title of which 'Limited' is the last word, such person or persons shall, unless duly incorporated with limited liability, be liable to a penalty not exceeding five pounds for every day upon which such name or title has been used."—*(Mr. Bottomley.)*

Brought up, and read a first time.

Motion made, and Question proposed, "That the clause be read a second time."

The President of the Board of Trade (Mr. Lloyd-George, Carnarvon Boroughs) 871
Mr. Harmood-Banner (Liverpool, Everton) 871

Proposed clause read a second time, and added to the Bill.

Mr. Fell (Great Yarmouth) 871
Mr. Hills (Durham) 873

New clause—

> "In page 5, after Clause 6, to insert the following clause: 'Issue of shares at a discount. Where a company, which has continuously carried on business for more than two years after the company became entitled to commence business, offers shares for subscription, the shares may, with the sanction of an extraordinary resolution of the company, be offered and issued at a discount if the amount or rate of the discount is disclosed in the prospectus, or, where no prospectus offering the shares for subscription is issued, in a statement in the

prescribed form verified in like manner as a statement in lieu of prospectus and filed with the registrar, and where a circular or notice, not being a prospectus, inviting subscriptions for the shares is issued. also disclosed in that circular or notice.' "—(*Mr. Fell.*)

Brought up, and read a first time.

Motion made, and Question proposed, " That the clause be read a second time."

Mr. Lloyd-George 873
Mr. Claude Hay (*Shoreditch, Hoxton*) 875
Mr. Rees (*Montgomery Boroughs*) 875
Mr. Bottomley 876
Sir F. Banbury (*City of London*) 877
Mr. Harmood-Banner 877

Question put, and negatived.

Mr. Markham (*Nottinghamshire, Mansfield*) 878

Amendment proposed—

" In page 1, line 10, after the word 'prospectus,' to insert the words 'signed by every person named therein who is a director or proposed director of the company, or by his agent authorised in writing.' "—(*Mr. Markham.*)

Question proposed, " That those words be there inserted."

Question put, and agreed to.

Mr. Fell 878

Amendment proposed—

" In page 1, line 26, after the word 'subscription,' to insert the words 'being not less than one-quarter of the amount offered for subscription.' "

Question proposed, " That those words be there inserted."

Mr. Lloyd-George 880

Question put, and negatived.

Amendment proposed—

" In page 5, line 34, to leave out the words 'for any special reason.' "—(*Mr. Berridge.*)

Question, " That the words proposed to be left out stand part of the Bill," put, and negatived.

Mr. Fell 881
Mr. Samuel Roberts (*Sheffield, Ecclesall*) 882

Amendment proposed—

"In page 6, line 26, after the word 'any,' to insert the word 'permanent.'"—(*Mr. Fell.*)

Question proposed, "That the word 'permanent' be there inserted."

Sir F. Banbury 884
Mr. Lloyd-George 884

Amendment negatived.

Amendments proposed—

"In page 6, line 32, after the word 'work' to insert the words 'building or plant.'"

"In page 7, line 11, after the word 'works,' to insert the words 'or buildings.'"

"In page 7, line 11, after the word 'completed,' to insert the words 'or the plant provided.'"

"In page 8, line 6, to leave out lines 6 and 7, and line 8 to the word 'are.'"

"In page 8, line 18, to leave out from the word 'Kingdom,' to the word 'and,' in line 20, and to insert the words 'the delivery to and the receipt by the registrar of a copy of the instrument by which the mortgage or charge is created or evidenced, verified in the prescribed manner, shall have the same effect for the purposes of this section as the delivery and receipt of the instrument itself, and twenty-one days after the date on which the instrument or copy could, in due course of post, and if despatched with due diligence, have been received in the United Kingdom, shall be substituted for twenty-one days after the date of the creation of the mortgage or charge, as the time within which the particulars and instrument or copy are to to be delivered to the registrar.'"—(*Mr. Lloyd-George.*)

"In page 8, line 23, to leave out the words 'deed purporting to charge specifically such property,' and to insert the words 'instrument creating or purporting to create such mortgage or charge.'"

"In page 9, line 31, after the word 'indirectly,' to insert the words 'by the company.'"

"In page 9, line 33, to leave out the word 'a,' and to insert the word 'the.'"—(*Mr. Cave.*)

Amendments agreed to.

Mr. Cave 885

Amendment proposed—

> "In page 11, line 2, at the end, to add the words '(10) Section fifteen of The Companies Act, 1900, shall apply in respect of the registration of a mortgage or charge under this section.' "—(*Mr. Cave.*)

Question proposed, "That those words be there added."

Amendment, by leave, withdrawn.

Amendments proposed—

> "In page 12, line 6, after the word 'at,' to insert the words 'the time of.' "

> "In page 12, line 6, after the second word 'to,' to insert the words 'the creation of.' "—(*Mr. Lloyd-George.*)

Amendments agreed to.

Mr. Lloyd-George 886

Amendment proposed—

> "In page 13, line 9, to leave out from the word 'issued,' to end of subsection, and to insert the words, 'Provided that any persons lending money on the security of a debenture re-issued under this section which appears to be duly stamped may give the debenture in evidence in any proceedings for enforcing his security without payment of the stamp duty or any penalty in respect thereof, unless he had notice or, but for his negligence, might have discovered that the debenture was not duly stamped, but in any such case the company shall be liable to pay the proper stamp duty and penalty.' "—(*Mr. Lloyd-George.*)

Amendment agreed to.

Mr. Dunn (*Cornwall, Camborne*) 886
Mr. Bottomley 887

Amendment proposed—

> "In page 13, line 41, after the word 'company,' to insert the words 'free of charge, and to any other person on payment of a sum not exceeding five shillings.' "—(*Mr. Dunn.*)

Question proposed, "That those words be there inserted."

Mr. Charles Roberts (*Lincoln*) 887
Mr. Harmood-Banner 888
Mr. Lloyd-George 888
Mr. Markham 889
Mr. Dunn 889

Amendment negatived.

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Amendments proposed—

"In page 15, line 1, after the first word 'the,' to insert the word 'auditors.'"

"In page 15, line 2, to leave out the word 'auditors.'"—(*Mr. Lloyd-George.*)

"In page 15, line 7, at the end, to insert the words 'Provided that this section shall not apply to any private company.'"—(*Mr. Markham.*)

"In page 15, line 11, to leave out the words 'the nominator,' and to insert the words 'a shareholder.'"—(*Mr. Berridge.*)

"In page 15, line 13, after the word 'send,' to insert the words 'a copy of any.'"

"In page 15, line 14, after the word 'notice,' to insert the word 'thereof.'"—(*Mr. Cave.*)

"In page 15, line 16, at end, to insert the words 'Provided that if, after a notice of the intention to nominate an auditor has been so given, an annual general meeting is called for a date fourteen days or less after that notice has been given, the notice, though not given within the time required by this provision, shall be deemed to have been properly given for the purposes thereof, and the notice to be sent or given by the company may, instead of being sent or given within the time required by this provision be sent or given at the same time as the notice of the general annual meeting.'"—(*Mr. Lloyd-George.*)

"In page 15, line 41, after the word 'the,' to insert the word 'general.'"—(*Mr. Robert Balfour.*)

"In page 16, line 10, to leave out the word 'seven,' and to insert the words 'one month.'"—(*Mr. Markham.*)

"In page 16, line 15, at end, to insert the words '(2) A private company shall not be required to forward or to file the report required under Section 12 of the Companies Act, 1900.'"—(*Mr. Lloyd-George.*)

"In page 16, line 36, at the end, to insert the words '(3) Any company which is a member of another company may, by minute of the directors, authorise any of its officials or any other person to act as its representative at any meeting of the latter company, and such representative shall be entitled to exercise the same functions on behalf of the company which he represents as if he had been an individual shareholder.'"—(*Mr. Robert Balfour.*)

"In page 17, line 12, after the word 'liquidator,' to insert the words 'appointed by a company.'"—(*Mr. Lloyd-George.*)

"In page 17, line 16, to leave out the word 'later,' and to insert the word 'less.'"

"In page 17, line 16, after the word 'fourteen,' to insert the words 'not more than twenty-one.'"

"In page 17, line 34, after the word 'act,' to insert the words 'as liquidator.'"

"In page 17, line 36, after the word 'inspection,' to insert the words 'either together with or without any such appointment of a liquidator.'"—(*Mr. Berridge.*)

Amendments agreed to.

Mr. Berridge (*Warwick and Leamington*) 890
Mr. Harmood-Banner 891

Amendment proposed—

"In page 18, line 11, at the end, to insert the words '(6) The provisions of this section shall not apply in the case of a winding-up for the purpose of reconstruction or sale to or amalgamation with another company where provision is made for payment of creditors in full within two months from the commencement of the winding-up. Provided that if the creditors are not so paid then the provisions of this section shall apply and the times mentioned in Subsection 1 hereof shall be reckoned as from the expiration of the said period of two months.'"—(*Mr. Berridge.*)

Question put, "That those words be there inserted."

Mr. Rufus Isaacs (*Reading*) 891

Amendment negatived.

Mr. Hills 892
Mr. Radford (*Islington, E.*) 894

Amendment proposed—

"In page 19, to leave out Clause 32."—(*Mr. Hills.*)

Mr. Lloyd-George 894
Mr. Rawlinson (*Cambridge University*) 896
Mr. Markham 896
Mr. Lupton (*Lincolnshire, Sleaford*) 897
Mr. Samuel Roberts 897
Mr. Rees (*Montgomery Boroughs*) 898
Mr. Harmood Banner 899
Lord R. Cecil (*Marylebone, E.*) 900

Sub-section (1) negatived.

Amendments proposed—

"In page 21, line 12, at the end, to insert the words 'and (*c*) have the name of the company and of the country in which the company is incorporated, mentioned in legible characters in all bill-heads and letter paper, and in all notices, advertisements and other official publications of the company.'"

"In page 21, line 20, after the word 'certified,' to insert the words 'in the prescribed manner.'"

"In page 21, line 20, to leave out from the word 'translation' to end of line 22."—(*Mr. Lloyd-George.*)

Amendments agreed to.

Mr. Markham 900

Amendment proposed—

"In page 21, line 22, at the end of Sub-section 6, to add the words 'a share transfer or share registration office would be deemed to be a place of business within the meaning of this section.'"—(*Mr. Markham.*)

Question proposed, "That those words be there inserted."

Sir F. Banbury 901

Amendment agreed to.

Amendment proposed—

"In page 21, line 32, to leave out from the word 'which,' to end of sub-section, and to insert the words 'by its articles (*a*) restricts the right to transfer its shares, and (*b*) limits the number of its members (exclusive of persons who are in the employment of the company) to fifty, and (*c*) prohibits any invitation to the public to subscribe for any shares or debentures of the company.'"—(*Mr. Lloyd-George.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. Harmood Banner 901
Mr. Rees 901

Amendment agreed to.

Mr. Rawlinson 902

Amendment proposed—

"In page 21, after the words last inserted, to insert the words, 'and (*d*) prohibits the allotment and transfer of any of its shares to a public company.'"—(*Mr. J. D. White.*)

Question proposed, "That those words be there inserted."

Mr. Harmood Banner 902
Mr. Lloyd-George 903

Question put, and negatived.

Mr. Rawlinson 903

Amendment proposed—

"In page 22, line 17, at the end, to add the words '(4) Wherever in the Companies Acts a minimum of seven members is required only two members shall be required in the case of a 'private company.'"—(*Mr. Rawlinson.*

Question proposed, "That those words be there inserted."

Question put, and agreed to.

Amendments proposed—

"In page 22, line 34, after the word 'passed,' to insert the words 'by a majority of shareholders of that class representing three-fourths of the capital of that class.'"

"In page 22, lines 34 and 35, to leave out the words 'by shareholders of that class.'"

"In page 22, line 36, to leave out the words 'passed and.'"
"In page 22, line 37, to leave out the words 'be a valid special resolution binding,' and to insert the word 'bind.'"—(*Mr. Lupton.*)

"In page 23, line 2, to leave out from the word 'company,' to the end of the clause, and to insert the words 'nor any other assurance company to which the provisions of the Life Assurance Companies Acts, 1870 to 1872, as to the annual statements to be made by such companies apply, with or without modifications, if the company complies with those provisions.'"

"In the first Schedule, page 27, line 17, to leave out the word 'preference.'"—(*Mr. Lloyd-George.*)

Amendments agreed to.

Motion made, and Question, "That the Bill be now read a third time"—(*Mr. Lloyd-George*)—put, and agreed to.

Bill read the third time, and passed.

Factory and Workship Bill.—As amended (by the Standing Committee) considered.

Amendments proposed—

"In page 2, line 7, after the word 'employment,' to insert the words 'of women.'"

"In page 2, line 8, to leave out the words 'of women.'"—(*Mr. Gladstone.*)

Amendments agreed to.

Mr. Gill (Bolton) 905
Mr. Arthur Henderson (Durham, Barnard Castle) 905

Amendment proposed—

"In page 2, line 15, to leave out the word 'sixty,' and to insert the word 'thirty.' "—(*Mr. Gill.*)

Question proposed, "That the word 'sixty' stand part of the Bill.

The Secretary of State for the Home Department (*Mr. Gladstone, Leeds, W.*) 906
Sir Charles Dilke (*Gloucestershire, Forest of Dean*) 907
Mr. Courthope (*Sussex, Rye*) 907
Mr. Gladstone 907
Mr. Curran (*Durham, Jarrow*) 907
The Under-Secretary of State for the Home Department (*Mr. Herbert Samuel, Yorkshire, Cleveland*) 908
Mr. William Abraham (*Glamorganshire, Rhondda*) 908
Mr. C. Duncan (*Barrow-in-Furness*) 908

Question put.

The House divided :—Ayes, 179 ; Noes, 66. (Division List No. 455.)

Amendment proposed—

"In page 2, line 28, at the end, to insert the words 'The entry required to be made in the prescribed register by Subsection (4) of the said Section 60 as so applied shall, in the case of overtime employment under Paragraph (*b*), be made before the commencement of the overtime employment on each day on which it is intended that there should be such employment, and in reckoning the sixty days for the purposes of Paragraph (*b*) every day on which any woman had been employed overtime shall be taken into account.' "—(*Mr. Gladstone.*)

Amendment agreed to.

Mr. Arthur Henderson 901

Amendment proposed—

"In page 2, line 28, at the end, to insert the words 'and shall remain in operation for two years only after the passing of this Act.' " —(*Mr. Arthur Henderson.*)

Question proposed, "That those words be there inserted."

Mr. Gladstone 912
Mr. Fenwick (*Northumberland, Wansbeck*) 913
Mr. Byles (*Salford, N.*) 913
Mr. C. Duncan 913

Amendment, by leave, withdrawn.

Mr. Sloan (*Belfast, S.*) 914

Amendment proposed—

"In page 3, to leave out Clause 5."—(*Mr. Sloan.*)

Question proposed, "That Clause 5 stand part of the Bill."

Mr. Gladstone .. 914

Amendment, by leave, withdrawn.

Mr. Nield (Middlesex, Ealing) .. 915

Message to attend the Lords Commissioners.

The House went.

And, having returned, Mr. SPEAKER reported the Royal Assent to a number of Bills (see page 758.)

Factory and Workshop Bill.—As amended by the Standing Committee, again considered.

Mr. Nield .. 916
Mr. Courthope .. 917

Amendment proposed—

"In page 3, line 24, to leave out Subsection 2 of Clause 5, and insert the words, '(2) In laundries attached to or forming part of any institution to which this section applies the following modifications of the law relating to holidays and notices shall have effect:—(a) Subsection 3 of Section 35 of The Factory and Workshop Act, 1901, shall not apply, and the following provisions shall be substituted in lieu thereof:—A notice of every holiday or half-holiday must be forwarded during the first week in January to the inspector for the district, and unless the notice has been so sent cessation from work shall not be deemed to be a whole holiday or a half-holiday. Provided that any such notice may be changed by a subsequent notice sent in like manner not less than twenty-four hours before the holiday or half-holiday to which it applies. (b) The managers of the institution shall, not later than the fifteenth day of January in each year, send to the Secretary of State a correct return in the prescribed form, specifying the names of the managers and the name of the person (if any) having charge of the institution under the managers, and such particulars as to the number, age, sex, and employment of the inmates and other persons employed in the work carried on in the institution as the Secretary of State may require, and shall, if any requirement of this paragraph is not complied with, be liable to a fine not exceeding five pounds."—(*Mr. Nield.*)

Question proposed, "That the words proposed to be left out at the end of line 5, in page 4 stand part of the Bill."

The Chancellor of the Exchequer (Mr. Asquith, Fifeshire, E.) .. 918
Sir Charles Dilke .. 918
Mr. Akers-Douglas (Kent, St. Augustine's) .. 919
Lord R. Cecil .. 920
Mr. Gladstone .. 920
Mr. John Redmond (Waterford) .. 922
Mr. Nield .. 923

Amendment, by leave, withdrawn.

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Amendments proposed—

"In page 4, lines 6 and 7, to leave out the words 'schemes made under the foregoing provisions of this Act,' and to insert the words 'any scheme when so approved.'"

"In page 4, line 9, to leave out the words 'or schemes have,' and to insert the word 'has.'

"In page 4, line 10, to leave out the words 'all or any of the schemes,' and to insert the words 'the scheme.'"

"In page 4, line 11, to leave out the words 'or schemes.'"—(*Mr. Gladstone.*)

Amendments agreed to.

Motion made, and Question, "That the Bill be read a third time," put, and agreed to.

Bill read the third time, and passed.

Transvaal Loan (Guarantee) Bill.—Motion made, and Question proposed, "That the Bill be now read a third time."

Mr. Austen Chamberlain (*Worcestershire, E.*) 923
Mr. Mackarness (*Berkshire, Newbury*) 924
Mr. Walsh (*Lancashire, Ince*) 925
The Under Secretary of State for the Colonies (*Mr. Churchill, Manchester, N.W.*) 925
Mr. Harold Cox (*Preston*) 928
Mr. Churchill 928

Bill read the third time, and passed.

Employers' Liability (Insurance Companies) Bill.—As amended (by the Standing Committee), considered.

Mr. Claude Hay (*Shoreditch, Hoxton*) 928

Amendment proposed—

"In page 2, line 1, to leave out Paragraph (ii)."—(*Mr. Claude Hay.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

The Parliamentary Secretary to the Board of Trade (*Mr. Kearley, Devonport*) 930
Mr. Parkes (*Birmingham, Central*) 932
Mr. J. Johnson (*Gateshead*) 933
Mr. Claude Hay 934

Amendment, by leave, withdrawn.

Bill read the third time, and passed.

Irish Land (No. 2) Bill.—As amended, was considered.

The Attorney-General for Ireland (*Mr. Cherry, Liverpool, Exchange*) .. 934

Amendment proposed—

" In page 1, line 13, after the word 'persons,' to insert the words 'after having given to the occupiers of the land in respect of which the right is to be exercised at least one month's notice by registered letter, addressed to him at his last-known place of abode, and subject to the provisions of Subsection (4) of the said Section 13 as to compensation, enter upon the land and— ' "—(*Mr. Cherry.*)

Question proposed, " That those words be there inserted."

Mr. T. M. Healy (*Louth, N.*) 935

Question put, and agreed to.

Mr. Cherry 936

Amendment proposed—

" In page 1, line 23, at the end, to add the words '(5) Not less than one month before any disposition is made under this section of any right the Commission shall publish, in a newspaper circulating in the locality where the right is to be exercised, a notice stating their intention to make a lease or sale, as the case may be, and inviting offers from any persons wishing to exercise the right.' "—(*Mr. Cherry.*)

Question proposed, " That those words be there inserted."

Question put, and agreed to.

Bill read the third time, and passed.

Vaccination (Scotland) Bill [Lords].—Order for the Second Reading read.

The Secretary for Scotland (*Mr. Sinclair, Forfarshire*) 936

Motion made, and Question proposed, " That the Bill be now read a second time."—(*Mr. Sinclair.*)

Question put, and agreed to.

Bill committed to a Committee of the Whole House for To-morrow.—(*Mr. Sinclair.*)

Public Health (Scotland) Amendment Bill.—Order for the Second Reading read.

Mr. Sinclair 937

Motion made, and Question, " That the Bill be now read a second time," put, and agreed to.

Bill committeed to a Committee of the Whole House for To-morrow.—(*Mr. Sinclair.*)

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Qualification of Women (County and Town Councils) (Scotland) Bill [Lords].—As amended; read the third time, and passed 938

Qualification of Women (County and Borough Councils) Bill [Lords]. As amended, considered; read the third time, and passed 938

Cabs and Stage Carriages (London) Bill.—As amended (by the Standing Committee), considered.

Mr. Akers-Douglas (Kent, St. Augustine's) 938

Amendment proposed to the Bill—

"In page 1, line 23, to leave out Clause 2."—(*Mr. Akers-Douglas.*)

Question put, "That the words proposed to be left out, to the end of line 3, on page 2, stand part of the Bill."

Sir F. Banbury (City of London) 940
Mr. Gladstone 942
Mr. Pike Pease (Darlington) 944
Mr. Rawlinson 945
Mr. Markham 946
Mr. Gibbs (Bristol, W.) 949

Question put.

The House divided:—Ayes, 176; Noes, 24. (Division List No. 456.)

Sir F. Banbury 949

Amendment proposed—

"In page 2, line 27, after the word 'carriages' to insert the words 'not drawn by four horses.'"—(*Sir F. Banbury.*)

Question proposed, "That those words be there inserted."

Mr. Gladstone 949
Sir F. Banbury 950
Mr. Gladstone 950

Amendment negatived.

Mr. John O'Connor (Kildare, N.) 951

Motion made, and Question proposed, "That the Bill be now read a third time."

Question put, and agreed to.

Bill read the third time, and passed.

Rule Committee Bill [Lords].—Order for Committee read, and discharged.

Bill withdrawn 952

Navigation Works (Ireland) Bill.—Order for Second Reading read, and discharged.

Bill withdrawn 952

Education (Scotland) Bill.—Order for Second Reading read, and discharged.

Bill withdrawn 952

Coal Mines (Eight Hours) (No. 2) Bill.—Order for Second Reading read, and discharged.

Bill withdrawn 952

Whereupon Mr. Speaker, pursuant to the Order of the House of 26th July last, adjourned the House without Question put.

Adjourned at Three minutes before Eleven o'clock.

HOUSE OF LORDS: THURSDAY, 22ND AUGUST, 1907.

VISCOUNT GORT.—Ordered, That the Report of the Lord Chancellor of the United Kingdom, made to the House of Lords on Wednesday last, that the right of Viscount Gort to vote at the elections of Representative Peers for Ireland, has been established to his satisfaction, be sent to the Clerk of the Crown in Ireland, together with a certificate, stating that such Report has been made, and that the House has ordered it to be sent to the said Clerk of the Crown in Ireland 953

PRIVATE BILL BUSINESS.

Aberdeen Harbour Order Confirmation Bill [H.L.]; Lanarkshire County Council Order Confirmation Bill [H.L.].—Returned from the Commons agreed to 953

Metropolitan Water Board (Charges, etc.) Bill; Local Government Provisional Orders (No. 14) Bill; Local Government Provisional Order (No. 15) Bill. Returned from the Commons with the Amendment agreed to 953

Local Government Provisional Orders No. 1 Bill; Local Government Provisional Orders (No. 2) Bill; Local Government Provisional Orders (No. 4) Bill; Local Government Provisional Orders (No. 5) Bill; Local Government Provisional Orders (No. 7) Bill; Local Government Provisional Orders (No. 8) Bill; Local Government Provisional Orders (No. 9) Bill; Local Government Provisional Orders (No. 10) Bill; Local Government Provisional Orders (No. 12) Bill.—Returned from the Commons with the Amendments agreed to 953

PETITIONS.

LAND VALUES (SCOTLAND) BILL.—Petitions against: Of County Council of Orkney; and Orkney Landowners' Association; read, and ordered to lie on the Table 953

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RETURNS, REPORTS, ETC.

Polling Districts (County of Berks).—Order made by the council of the county of Berks, altering certain polling districts in the Northern or Abingdon Parliamentary Division 954

Local Registration of Title (Ireland) Act, 1891.—Rule, dated 31st July 1907, made by the Land Judge with the approval of the Lord Chancellor of Ireland amending the Rules of 24th August 1896 954

Foreshores.—Treasury Minute, dated 19th August, 1907 directing the application of moneys received by the Board of Trade in the year ended 31st March 1907, in respect of the rights and interests of the Crown in the Foreshores of the United Kingdom.

Laid before the House (pursuant to Act), and ordered to lie on the Table 954

Statistics (Colonies).—Statistical Tables relating to British Colonies, Possessions, and Protectorates. Part XXX., 1905 954

Statistical Abstract for the several British Colonies, Possessions, and Protectorates in each year from 1892 to 1906. Forty-fourth Number .. 954

Colonial Import Duties, 1907.—Return relating to the rates of import duties levied upon the principal and other articles imported into the British Colonies, Possessions, and Protectorates 954

Railway Companies.—Returns of the capital, traffic, receipts, and working expenditure of the railway companies of the United Kingdom for the year 1906; with a general report thereon and summary tables for a series of years 954

Consular Reports.—Index to reports of His Majesty's diplomatic and consular representatives abroad on trade and subjects of general interest (with appendix), 1906.

Presented [by command], and ordered to lie on the Table 954

Dockyard Ports Regulation Act, 1865.—Order in Council, dated 12th August 1907, making new regulations for the Dockyard Port of Berehaven 955

Merchant Shipping Act, 1894.—Order in Council, dated 12th August 1907, fixing the dues to be paid to the King's Lynn Conservancy Board in respect of ships passing a floating light to be maintained by that board in the roads of the port, and revoking the Order in Council of 23rd October 1877 955

Naval and Marine Pay and Pensions Act, 1865.—Three Orders in Council, dated 12th August 1907, approving memorials of the Lords Commissioners of the Admiralty, praying sanction to—

Certain regulations whereby officers on the retired list serving on the staff of the inspection and experimental departments, or in posts in the Admiralty connected with those departments may be entitled to increase of retired pay.

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A revision of titles, rates of pay, etc., of petty seamen and officers of His Majesty's Navy, and the establishment of a separate class of wireless telegraph operators.

The payment of an allowance to officers and men of His Majesty's Navy and Royal Marines, who act as shorthand writers at naval courts-martial 955

EXTRADITION ACTS, 1870 TO 1906.—Orders in Council, dated 12th August 1907—

For giving effect to a treaty concluded 25th August 1906, between His Majesty and the President of the Republic of Panama for the extradition of criminals.

For carrying into effect an agreement concluded 2nd July 1907, between the British and Swedish Governments for the mutual extradition of fugitive criminals 955

Qualification of Women (County and Borough Councils) Bill [H.L.].—Returned from the Commons agreed to, with an Amendment. The said Amendment to be printed, and to be considered on Saturday next. (No. 196.) 955

Companies Bill [H.L.].—Returned from the Commons agreed to, with Amendments. The said Amendments to be printed. (No. 197.) 956

Factory and Workshop Bill [H.L.].—Returned from the Commons agreed to, with Amendments. The said Amendments to be printed, and to be considered To-morrow. (No. 198.) 956

Qualification of Women (County and Town Councils) (Scotland) Bill [H.L.].—Returned from the Commons agreed to, with Amendments. The said Amendments to be printed. (No. 199.) 956

HOME WORK: PUBLICATIONS.—Message to the Commons for copies of the Reports, etc., of the Select Committees 956

BUSINESS OF THE HOUSE.

The Lord Privy Seal (The Marquess of Ripon) 956

Small Holdings and Allotments Bill.—House again in Committee (according to Order).

Clause 6:—

Lord Monk Bretton 956

Amendment moved—

"In page 4, line 40, after the word 'land,' to insert the words 'Provided that when a county council desires to acquire land outside its administrative area which is also desired by a county council administering that area, the county council administering the area shall have the prior claim.'"—(*Lord Monk Bretton.*)

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The President of the Board of Agriculture and Fisheries (Earl Carrington) 957
Lord Redesdale 957
The Under-Secretary of State for Foreign Affairs (Lord Fitzmaurice) .. 958

Amendment, by leave, withdrawn.

The Earl of Jersey 959

Amendment moved—

"In page 4, line 40, after the word 'land,' to insert the following new subsection:—(3) No land shall be acquired by a county council without their county except with the consent of the council of the county in which the land is situated.'"—(*The Earl of Jersey.*)

Earl Carrington 960
The Marquess of Lansdowne 961
Lord Heneage 962
Earl Carrington 962

On Question, Amendment, as amended, agreed to.

Clause 6, as amended, agreed to.

Clauses 7 and 8 agreed to.

Clause 9:—

Lord Kenyon 962

Amendment moved—

"In page 5, line 19, after the word 'constituted' to insert the words 'under rules approved by the Board.'"—(*Lord Kenyon.*)

Earl Carrington 963

On Question, Amendment agreed to.

Clause 9, as amended, agreed to.

Clause 10 agreed to.

Clause 11:—

The Duke of Northumberland 963

Amendment moved—

"In page 5, line 32, after the word 'benefit' to insert the words 'as agricultural holdings.'"—(*The Duke of Northumberland.*)

Earl Carrington 964

On Question, Amendment, as amended, agreed to.

Clause 11, as amended, agreed to.

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Clause 12 agreed to.

Clause 13 :—

Viscount St. Aldwyn 964

Amendment moved—
"To leave out Clause 13."—(*Viscount St. Aldwyn.*)

On Question, Amendment agreed to.

Clause 14 agreed to.

Clause 15 :—

Amendment moved—

"In page 7, line 3, after the word 'district' to insert the words 'as agents for the country council.'"—(*Earl Carrington.*)

On Question, Amendment agreed to.

The Earl of Camperdown 965

Amendment, by leave, withdrawn.

Clause 15, as amended, agreed to.

Clauses 16 to 19 agreed to.

Clause 20 :—

Drafting Amendment agreed to.

Clause 20, as amended, agreed to.

Clause 21 :—

Viscount St. Aldwyn 966

Amendment moved—

"In page 10, lines 1 to 15, to leave out Subsection (1)."—(*Viscount St. Aldwyn.*)

Earl Carrington 966

Amendment, by leave, withdrawn.

Viscount Galway 967

Amendment moved—

"In page 10, lines 16 to 20, to leave out Subsection (2)."—(*Viscount Galway.*)

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Earl Carrington 967
The Marquess of Lansdowne 968

On Question, Amendment agreed to.

Clause 21, as amended, agreed to.

Clauses 22 and 23 agreed to.

Clause 24:—

Viscount Hill 968

Amendment moved—

"In page 11, line 4, to leave out the words 'either actual or prospective.'"—(*Viscount Hill.*)

On Question, Amendment agreed to.

Consequential Amendment agreed to.

Viscount St. Aldwyn 969

Amendment moved—

"In page 11, line 20, after the word 'section' to insert the words 'and have refused to comply with a representation made by the council of the urban district or parish for the compulsory acquisition of land for allotments.'"—(*Viscount St. Aldwyn.*)

Earl Carrington 969
Viscount St. Aldwyn 970

On Question, Amendment agreed to.

Clause 24, as amended, agreed to.

Clause 25 agreed to.

Clause 26:—

Lord Balfour of Burleigh 970

Amendment moved—

"In page 12, line 10, after the word 'schedule' to insert the words 'provided that every such order shall provide that within six weeks after the receipt of any notice to treat in respect of the hiring of any land, the owner may by notice in writing require the council to accept a conveyance of the fee simple of the land in consideration of a perpetual rent-charge to be fixed, in default of agreement, by arbitration, but in fixing such rent-charge the arbitrator shall not make any allowance in respect of any use to which the land might otherwise be put, being a use in respect of which the owner of the land compulsorily hired is entitled under this Act to resume possession, but after such

conveyance the land shall be held by the council free from any such right of resumption by the owner under this Act." '—(*Lord Balfour of Burleigh.*)

The Lord Chancellor (*Lord Loreburn*) 972
Viscount St. Aldwyn 973
Lord Balfour of Burleigh 974
Lord Courtney of Penwith 974

Amendment, by leave, withdrawn.

Lord Robertson 975

Amendment moved—

"In page 12, line 16, to leave out from the word 'shall' to the end of Subsection (3), and to insert the words 'empower the council to acquire the land in accordance with the provisions of this Act.'"—(*Lord Robertson.*)

The Lord Chancellor 976
Viscount St. Aldwyn 977
The Earl of Camperdown 977
The Lord Chancellor 978

On Question, Amendment agreed to.

The Duke of Richmond and Gordon 979

Amendment moved—

"In page 12, lines 20 and 22, to leave out Subsection (4) and to insert the words—(4) All land acquired under an Order under this section shall be held by the council subject to all existing easements, and every such Order shall provide for the creation of any new easements necessary to secure the continued use and enjoyment by the owners and occupiers of adjoining lands of all conveniences theretofore used and enjoyed over the land to be acquired, provided that notwithstanding anything contained in this subsection no new easement created by or in pursuance of such Order over land hired by a council shall continue beyond the termination of such hiring.'"—(*The Duke of Richmond and Gordon.*)

The Lord Chancellor 979

Amendment, by leave, withdrawn.

Viscount Galway 979

Amendment moved—

"In page 12, lines 23 to 25, to leave out Subsection (5)."—(*Viscount Galway.*)

Earl Carrington 981

Amendment, by leave, withdrawn.

Clause 26, as amended, agreed to.

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Clause 27 :—

Lord Clinton 981
The Lord Chancellor 982
Viscount St. Aldwyn 985

Amendment, by leave, withdrawn.

Viscount St. Aldwyn 985

Amendment moved—

"In page 13, line 40, after the word 'tenancy,' to insert the words, '(3) Within six months after the receipt of the notice mentioned in Subsection (1) of this section, the landlord may, by notice in writing, require the council to purchase the land, and thereupon the council shall purchase the land as if they had obtained an order authorising them to purchase the land and had served upon the landlord a notice to treat in respect thereof, and thenceforth the land shall be held by the council free from any right of resumption by the landlord under this Act; but if the council so elect the consideration for such purchase shall be a perpetual rent-charge payable by the council of an amount to be determined in default of agreement by arbitration, but in determining such rent-charge the arbitrator shall not make any allowance in respect of any use to which the land might otherwise be put, being a use in respect of which the owner of land compulsorily hired is entitled under this Act to resume possession, and Section 44 of the Conveyancing and Law of Property Act, 1881, shall apply to every such rent-charge.'" —(*Viscount St. Aldwyn.*)

The Lord Chancellor 987

Amendment, by leave, withdrawn.

Lord Clinton 988
Viscount Downe 988

Amendment moved—

"In page 14, line 14, to leave out the word 'or,' and to insert the words 'and he shall not reduce the rent in consequence of.'"—(*Viscount Downe.*)

Earl Carrington 988
Earl Nelson 989
Earl Carrington 989

Amendment, by leave, withdrawn.

Clause 27, as amended, agreed to.

Clauses 28 and 29 agreed to.

Clause 30 :—

Lord Barnard 989

Amendment moved—

"In page 15, lines 24 and 25, to leave out the words 'be authorised by an order under this Act.'"—(*Lord Barnard.*)

Earl Carrington 990
Lord Barnard 991
The Lord Chancellor 991
Viscount St. Aldwyn 991

Amendment, by leave, withdrawn.

Lord Clifford of Chudleigh 992

Amendment moved—

"In page 15, lines 25 and 26, to leave out the words 'for the purposes of small holdings or allotments.'"—(*Lord Clifford of Chudleigh*).

On Question, Amendment agreed to.

Lord Haversham 992

Amendment moved—

"In page 15, line 27, to leave out the words 'pleasure ground,' and to insert the words 'home farm.'"—(*Lord Haversham.*)

The Earl of Camperdown 993
Earl Carrington 994
Viscount St. Aldwyn 995
Lord Burghclere 995

On Question, Amendment agreed to.

Amendment moved—

"After the words 'home farm,' to insert the words 'of any estate.'"—(*Lord Haversham.*)

On Question, Amendment negatived.

Amendment moved—

"In page 15, line 27, after the word 'ground,' to insert the words 'or home farm,' and to leave out the words 'other land,' and to insert the word 'is.'"—(*The Earl of Camperdown.*)

On Question, Amendment agreed to.

Lord Heneage 997

Amendment moved—

"In page 15, line 28, after the word 'dwelling house,' to insert the words 'or is adjacent thereto.'"—(*Lord Heneage.*)

Earl Carrington 998

Amendment, by leave, withdrawn.

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The Earl of Camperdown 998

Amendment moved—

"In page 15, line 28, after the words 'dwelling house' to insert the words 'or is woodland.'"—(*The Earl of Camperdown.*)

Earl Carrington 999
Lord Barnard 999
The Lord Chancellor 1000
Viscount St. Aldwyn 1000

On Question, Amendment agreed to.

Earl Fortescue 1000

Amendment moved—

"In page 15, after the words last inserted to insert the words 'exceeding ten acres.'"—(*Earl Fortescue.*)

The Lord Chancellor 1001
Lord Belper 1001
Lord Redesdale 1001
The Earl of Onslow 1001

Amendment, by leave, withdrawn.

The Earl of Plymouth 1002

Amendment moved—

"In page 15, lines 36 and 37, to leave out the words 'so far as practicable.'"—(*The Earl of Plymouth.*,

Earl Carrington 1002

Amendment, by leave, withdrawn.

Earl Carrington 1003

Amendment moved—

"In page 16, line 3, after the word 'therewith,' to insert the words 'and shall also, so far as practicable, avoid displacing any considerable number of agricultural labourers or others employed on or about the land.'"—(*Earl Carrington.*)

On Question, Amendment agreed to.

Viscount St. Aldwyn 1003

Amendment moved—

"In page 16, line 4, to leave out the words 'of fifty acres or less in extent,' and to insert the words 'which either does not exceed fifty or, if exceeding fifty acres, is of an annual value for the purposes of income-tax not exceeding £50, nor any part of such holding.' "—(*Viscount St. Aldwyn.*)

Earl Carrington 1004
Viscount St. Aldwyn 1005

On Question, Amendment agreed to.

Lord Barnard 1006

Clause 30, as amended, agreed to.

Clause 31 :—

Lord Clifford of Chudleigh 1006

Amendment moved—

" In page 16, line 8, after the word 'shall,' to insert the words subject to the restrictions by this Act imposed.' "—(*Lord Clifford of Chudleigh.*)

Earl of Camperdown 1006

On Question, Amendment agreed to.

Clause 31, as amended, agreed to.

Clause 32 agreed to.

Clause 33 :—

The Earl of Plymouth 1007

Amendment moved—

" In page 16, line 36, after the word 'purposes,' to insert the words 'or for the making of roads, reservoirs, railways, or other similar works necessary for the improvement and development of the estate.' "—(*The Earl of Plymouth.*)

Earl Carrington 1008
Viscount Galway 1008

On Question, Amendment agreed to.

Viscount St. Aldwyn 1009

Amendment moved—

" In page 17, line 13, after the word 'Board,' to insert the words 'Provided that where land has been hired compulsorily by the Commissioners acting in default of a county council, any difference arising between the Board and the landlord as to the right of the landlord to resume possession under this section shall be determined by arbitration.' "—(*Viscount St. Aldwyn.*)

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The Lord Chancellor 1010

Amendment, by leave, withdrawn.

Lord Hylton 1011
Lord Fitzmaurice 1012

Clause 33, as amended, agreed to.

Clause 34 :—

Lord Haversham 1013

Amendment moved—

"In page 17, line 10, to leave out the word 'or' and to insert he word 'and.'"—(*Lord Haversham.*)

Earl Carrington 1013

Amendment, by leave, withdrawn.

Clause 35 :—

The Earl of Powis 1013

Amendment moved—

"In page 18, line 5, to leave out the words 'of the holding' and to insert the words 'as he or they may then require to use the land and which is.'"—(*The Earl of Powis.*)

Lord Fitzmaurice 1016
Viscount St. Aldwyn 1017
The Lord Chancellor 1017

Amendment, by leave, withdrawn.

Amendment moved—

"To leave out Subsection 4."—(*Viscount St. Aldwyn.*)

On Question, Amendment agreed to.

Clause 35, as amended, agreed to.

After Clause 35 :—

Viscount Downe 1018

Amendment moved—

"After Clause 35, to insert the following new clause: 'Where land has been hired by a council for small holdings or allotments th council shall give reasonable consideration to objections stated by the landlord to any applicant, and so far as may be shall give a preference to applicants preferred by the landlord.'"—(*Viscount Downe.*)

Earl Carrington 1020
Viscount St. Aldwyn 1021

Amendment, by leave, withdrawn.

Clause 36 :—

Earl Carrington 1021

Amendment moved—

"In page 19, line 3, after the word 'Acts,' to insert the following new subsection: '(3) Where any receipts or payments money under this Act are entrusted by the county council to the small holdings and allotments committee, or any sub-committee thereof, the accounts of those receipts and payments shall be accounts of the county council, and made up and audited accordingly.' "—(*Earl Carrington.*)

On Question, Amendment agreed to.

Clause 36, as amended, agreed to.

Clauses 37 and 38 agreed to.

Clause 39 :—

Lord Kenyon 1022

Amendment moved—

"In page 19, line 24, after the word 'their,' to insert the word 'principal.' "—(*Lord Kenyon.*)

Earl Carrington 1023
The Earl of Wemyss 1023

On Question, Amendment negatived.

Lord Zouche of Haryngworth 1024

Amendment moved—

"In page 19, line 32, to leave out the words 'give guarantees or,' and after the second word 'or,' to insert the words 'guarantee or make.' "—(*Lord Zouche of Haryngworth.*)

Viscount St. Aldwyn 1025
Lord Belper 1026
The Lord Chancellor 1028

Amendment, by leave, withdrawn.

On the Question, "That the Clause stand part of the Bill."

The Earl of Wemyss 1028
Lord Belper 1029
The Lord Chancellor 1030
Lord Belper 1030

Clause 39, as amended, agreed to

Clauses 40, 41, and 42 agreed to.

Clause 43 :—

Lord Robertson 1031

Amendment moved—

"In page 20, line 33, after the word 'Act,' to insert the words 'and subject to the provisions of Subsection (2) of this section.'"

"In page 20, lines 36 and 37, to leave out the words 'an order has been made and confirmed authorising the compulsory acquisition of lands by.'"

"In page 20, line 37, to leave out the word 'acting,' and to insert the word 'act.'"

"In page 20, lines 38 and 39, to leave out the words 'arbitrator or valuer, as the case may be, shall be,' and to insert the words 'all questions referred to the decision of an arbitrator under this Act shall be determined by an arbitrator agreed upon between the parties, or in default of agreement.'"—(*Lord Robertson.*)

The Lord Chancellor 1032
Lord Robertson 1033

Amendment, by leave, withdrawn.

Viscount St. Aldwyn 1033
The Earl of Plymouth 1034

Amendment moved—

"In page 20, line 39, after the word 'appointed,' to insert the words 'in default of agreement between the parties.'"—(*The Earl of Plymouth.*)

On Question, Amendment agreed to.

Viscount St. Aldwyn 1035

Amendment moved—

"In page 20, line 40, after the word 'Board' to insert the words 'and where an Order authorises the compulsory hiring of land by the Commissioners acting in default of a county council, the terms and conditions of the hiring shall, subject to the provisions mentioned in Paragraph (2) of Part II. of the First Schedule of this Act, be determined in default of agreement by the arbitrator appointed under this subsection.'"—(*Viscount St. Aldwyn.*)

The Lord Chancellor 1035
Viscount St. Aldwyn 1036
Lord Fitzmaurice 1036
The Lord Chancellor 1037

Amendment, by leave, withdrawn.

Clause 43, as amended, agreed to.

Clauses 44 and 45 agreed to.

Clause 46 :—

Amendment moved—

> "In page 21, line 30, after the word 'council' to insert the following new subsection : '(3) For the purposes of the Small Holdings Act, 1892, the Allotments Acts, and this Act, any expenses incurred by a council in the enfranchisement of any land acquired by them for small holdings, or allotments, or in the purchase or redemption of land tax, or any quit rent, chief rent, tithe, or other rentcharge, or other perpetual annual sum issuing out of land so acquired, shall be deemed to have been incurred in the purchase of the land.' "—(*Earl Carrington.*)

On Question, Amendment agreed to.

Earl Carrington 1038

Amendment moved—

> "In page 21, line 36, after the word 'parish' to insert the following new subsection :—'(4) Any notice required by this Act to be served or given may be sent by post.' "—(*Earl Carrington.*)

On Question, Amendment agreed to.

Clause 46, as amended, agreed to.

Clause 47 agreed to.

First Schedule :—

Lord Robertson 1038

Amendment moved—

> "In page 23, First Schedule, line 9, to leave out the words 'subject to the necessary adaptations.' "—(*Lord Robertson.*)

The Lord Chancellor 1039

Amendment, by leave, withdrawn.

Lord Clinton 1040

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Amendment moved—

"In page 23, First Schedule, line 12, after the word 'arbitration' to insert the words 'agreed upon between the parties, or, in default of agreement.'"—(*Lord Clinton.*)

The Lord Chancellor 1042
Viscount St. Aldwyn 1042
Lord Clinton 1042

On Question, Amendment agreed to.

Lord Kenyon 1043

Amendment moved—

"In page 23, First Schedule, to leave out from the word 'experienced' in line 33, to the word 'but,' in line 36."—(*Lord Kenyon.*)

The Lord Chancellor 1043
Viscount St. Aldwyn 1043
Lord Fitzmaurice 1044

On Question, Amendment agreed to.

Lord Kenyon 1044

Amendment moved—

"In page 24, line 1, to leave out from the word 'witnesses' to the end of Paragraph 5."—(*Lord Kenyon.*)

The Lord Chancellor 1045

Amendment, by leave, withdrawn.

Viscount St. Aldwyn 1046

Amendment moved—

"In page 24, First Schedule, line 35, after the word 'to' to insert the words 'pay all taxes, rates and charges usually borne by tenants, to insure the buildings to.'"—(*Viscount St. Aldwyn.*)

The Lord Chancellor 1046
Viscount St. Aldwyn 1046

On Question, Amendment agreed to.

Amendment moved—

"In page 24, line 36, after the word 'buildings' to insert the words 'and premises demised.'"—(*Viscount St. Aldwyn.*)

On Question, Amendment agreed to.

Viscount St. Aldwyn 1047

Amendment moved—

"In page 24, line 40, after the word 'aforesaid' to insert the words 'and shall, if the landlord has given notice in the prescribed manner that he so desires, provide for the reservation to him, and persons authorised by him, of exclusive rights of sporting and fishing over the land.'"—(*Viscount St. Aldwyn.*)

Earl Carrington 1048
Viscount Galway 1048
The Earl of Harewood 1048
The Earl of Powis 1049
Earl Fortescue 1049

On Question, Amendment agreed to.

Viscount St. Aldwyn 1049

Amendment moved—

"In page 24, line 42, to leave out the words 'that it can be so broken up without depreciating the value of the land or.'"—(*Viscount St. Aldwyn.*)

Earl Carrington 1050
Viscount St. Aldwyn 1051

On Question, Amendment agreed to.

The Earl of Camperdown 1051

Amendment moved—

"In page 25, line 2, after the word 'right' to insert the words 'without the consent of the landlord.'"—(*The Earl of Camperdown.*)

The Lord Chancellor 1052
Viscount St. Aldwyn 1053

Amendment, by leave, withdrawn.

The Earl of Camperdown 1053

Amendment moved—

"In page 25, line 2, after the word 'to' to insert the words 'fell or cut timber or trees, nor to.'"—(*The Earl of Camperdown.*)

The Earl of Camperdown 1053

On Question, Amendment agreed to

Lord Clinton 1053

Amendment moved—

"In page 25, line 16, to leave out the words 'valuation' and 'valuer' and to insert the words 'arbitrator agreed on between the parties, or, in default of agreement.'"—(*Lord Clinton.*)

The Lord Chancellor 1054
Viscount St. Aldwyn 1056
The Earl of Camperdown 1056
Lord Kenyon 1057

On Question, Amendment agreed to.

Amendment moved—

"In page 25, line 18, to leave out the word 'valuer' and to insert the word 'arbitrator.'"—(*Lord Clinton.*)

On Question, Amendment agreed to.

Viscount St. Aldwyn 1057

Amendment moved—

"In page 25, line 21, to leave out the words 'rating or taxation' and insert the words 'income-tax.'"—(*Viscount St. Aldwyn.*)

The Lord Chancellor 1057

On Question, Amendment agreed to.

Viscount St. Aldwyn 1058

Amendment moved—

"In page 25, line 21, affer the words 'income-tax' to insert the words 'any depreciation in the rental value of the land due to the terms and conditions of the agreement.'"—(*Viscount St. Aldwyn.*)

The Lord Chancellor 1058

Amendment, by leave, withdrawn.

Amendment moved—

"In page 25, line 21, after the words 'income-tax' to insert the words 'the terms and conditions of the hiring.'"—(*Viscount St. Aldwyn.*)

On Question, Amendment agreed to.

Lord Ebury 1059

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Amendment moved—

"In page 25, at the end of Subsection (5), to insert the words: But so that in any case where part only of a holding is hired the rent to be paid for such part shall, with the rent to be paid for the residue of such holding, be not less than the rent theretofore paid for the entire holdings.'"—(*Lord Ebury.*)

The Lord Chancellor 1060
Earl Carrington 1061
The Earl of Camperdown 1061

Amendment, by leave, withdrawn.

Amendment moved—

"In page 25, line 43, after the word 'shall' to insert the words 'in default of agreement.'"—(*Viscount St. Aldwyn.*)

On Question, Amendment agreed to.

Schedule, as amended, agreed to.

Second Schedule:—

Viscount Galway 1062

Amendment moved—

"In page 26, line 9, to omit the words 'Subsection 5 of Section 7.'"——(*Viscount Galway.*)

On Question, Amendment agreed to.

Amendment moved—

"In Second Schedule, page 26, to leave out line 23, and insert Section 4, from the words 'and in the application of Subsection 6' to the end of Paragraph (*d*)."—(*Earl Carrington.*)

On Question, Amendment agreed to.

Schedule, as amended, agreed to.

Standing Committee negatived.

Report of Amendments to be received on Saturday next and Bill to be printed as amended. (No. 200.)

Sea Fisheries (Scotland) Application of Penalties Bill.—Read 3ª (according to Order,) and passed.

Public Health (Regulations as to Food) Bill.

Lord Allendale 1063

Moved, "That the Bill be now read 2ª."—(*Lord Allendale.*)

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The Earl of Onslow 1064
The Lord President of the Council (The Earl of Crewe) 1065
The Earl of Plymouth 1066

Bill read 2ª (according to order), and committed to a Committee of the Whole House to-morrow.

Education (Administrative Provisions) Bill; JUDICATURE (IRELAND).—House in Committee (according to order); Bills reported without Amendment; Standing Committee negatived; and Bills to be read 3ª to-morrow.

BUSINESS OF SELF-GOVERNING COLONIES.

The Earl of Jersey 1066
The Secretary of State for the Colonies (The Earl of Elgin) 1067
The Earl of Jersey 1072

Transvaal Loan (Guarantee) Bill [No. 201]; Employers' Liability (Insurance Companies Bill [No. 202]; Irish Land (No. 2) Bill [No. 203]; Cabs and Stage Carriages (London) Bill [No. 204].—Brought from the Commons. Read 1ª, and to be printed 1073

BUSINESS OF THE HOUSE.

The Marquess of Lansdowne 1073
The Earl of Crewe 1074

House adjourned at twenty minutes past Twelve o'clock, a.m., till a quarter past Four o'clock.

HOUSE OF COMMONS: THURSDAY, 22ND AUGUST, 1907.

The House met at a quarter before Three of the Clock.

New Writ for the County of Down (West Down), in the room of Harry Liddell, esquire (Manor of Northstead).—(*Sir Alexander Acland-Hood*) 1074

PRIVATE BILL BUSINESS.

Local Government Provisional Orders (No. 14) Bill; Local Government Provisional Order (No. 15) Bill.—Lords Amendment considered, and agreed to 1074

Local Government Provisional Orders (No 1) Bill; Local Government Provisional Orders (No. 2) Bill; Local Government Provisional Orders (No. 4) Bill; Local Government Provisional Orders (No. 5) Bill; Local Government Provisional Orders (No. 7) Bill; Local Government Provisional Orders (No. 8) Bill; Local Government Provisional Orders (No. 9) Bill; Local Government Provisional Orders (No. 10) Bill.—Lords Amendments considered, and agreed to 1074

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Local Government Provisional Orders (No. 12) Bill.—Lords Amendments considered, and agreed to 1075

Lanarkshire County Council Order Confirmation Bill [LORDS].—Read the third time, and passed, without Amendment 1075

MESSAGE FROM THE LORDS.—That they have agreed to,—Local Government Provisional Orders (No. 3) Bill; Local Government Provisional Orders (No. 6) Bill; Local Government Provisional Orders (No. 13) Bill; Caledonian Railway Order Confirmation Bill; Kilmarnock Corporation Water Order Confirmation Bill, without Amendment.

Merchant Shipping (Tonnage Deduction for Propelling Power) Bill, with Amendments.

Amendments to—York (Micklegate Strays) Bill [Lords], without Amendment 1075

PETITIONS.

SMALL LANDHOLDERS (SCOTLAND) BILL.—Petition from Dunnet, in favour; to lie upon the Table 1075

RETURNS, REPORTS, ETC.

POLLING DISTRICTS (COUNTY OF BERKS).—Copy presented, of Order made by the Council of the County of Berks altering certain polling districts in the Northern or Abingdon Parliamentary Division [by Act]; to lie upon the Table 1076

LOCAL REGISTRATION OF TITLE (IRELAND) ACT, 1891.—Copy presented, of Rule dated 31st July, 1907, made by the Land Judge with the approval of the Lord Chancellor of Ireland, amending the Rules of 24th August, 1896 [by Act]; to lie upon the Table 1076

RAILWAY RETURNS.—Copy presented, of Returns of the Capital, Traffic Receipts, and Working Expenditure of the Railway Companies of the United Kingdom for the year 1906 [by Command]; to lie upon the Table 1076

COLONIAL STATISTICS.—Copy presented, of Statistical Tables relating to British Colonies, Possessions, and Protectorates. Part XXX., for the year 1905 [by Command]; to lie upon the Table 1076

STATISTICAL ABSTRACT (COLONIES).—Copy presented, of Statistical Abstract for the several British Colonies, Possessions, and Protectorates in each year from 1892 to 1906 (Forty-fourth Number) [by Command]; to lie upon the Table 1076

TRADE REPORTS.—Copy presented, of Index to Reports of His Majesty's Diplomatic and Consular Representatives Abroad on Trade and Subjects of General Interest (with Appendix), 1906 [by Command]; to lie upon the Table 1076

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Colonial Import Duties, 1907.—Copy presented, of Return relating to the Rates of Import Duties levied upon the principal and other articles imported into the British Colonies, Possessions, and Protectorates [by Command]; to lie upon the Table 1076

Metropolitan Water Board.—Copy presented, of Annual Report of the Metropolitan Water Board and Abstract of their Accounts for the year ended 31st March, 1907 [by Act]; to lie upon the Table, and to be printed. [No. 328] 1076

Foreshores.—Copy presented, of Treasury Minute, dated 19th August, 1907, directing the application of moneys received by the Board of Trade in the year ended 31st March, 1907, in respect of the rights and interests of the Crown in the Foreshores of the United Kingdom [by Act]; to lie upon the Table 1077

Education (England and Wales) (Small Schools).—Return presented, relative thereto [ordered 20th August; *Mr. Yoxall*]; to lie upon the Table 1077

Extradition Acts, 1870 to 1906.—Copies presented, of Orders in Council of 12th August, 1907, (1) for giving effect to a Treaty concluded on 25th August, 1906, between His Majesty and the President of the Republic of Panama for the Extradition of Criminals; (2) for carrying into effect an Agreement concluded on 2nd July, 1907, between the British and Swedish Governments for the mutual Extradition of fugitive Criminals [by Act]; to lie upon the Table 1077

Merchant Shipping Act 1894.—Copy presented, of Order in Council of 12th August, 1907, fixing the dues to be paid to the King's Lynn Conservancy Board in respect of ships passing a floating light to be maintained by that Board in the roads of the Port, and revoking the Order in Council of 23rd October, 1877 [by Act]; to lie upon the Table 1077

Dockyard Ports Regulation Act, 1865.—Copy presented, of Order in Council of 12th August, 1907, making new regulations for the Dockyard Port of Berehaven [by Act]; to lie upon the Table 1078

Naval and Marine Pay and Pensions Act, 1865.—Copies presented, of three Orders in Council of 12th August, 1907, approving Memorials of the Lords' Commissioners of the Admiralty praying sanction to (1) certain regulations whereby Officers placed on the Retired List whilst serving on the Staff of the Inspection and Experimental Departments, or in posts in the Admiralty connected with those Departments, may be entitled to increase of Retired Pay; (2) a Revision of Titles, Rates of Pay, etc., of Petty Officers and Seamen of His Majesty's Navy and the establishment of a separate class of Wireless Telegraph Operators; (3) the Payment of an allowance to Officers and Men of His Majesty's Navy and Royal Marines who act as Shorthand Writers at Naval Courts-Martial [by Act]; to lie upon the Table 1078

Electric Lighting Acts, 1882 and 1888 (London Electricity Supply).—Return ordered, "of units delivered and average price charged by Local

Authorities and Companies in the Metropolitan Police District for Power and Heating, Private Lighting, and Public Lighting, respectively, during their last completed year of account.

Name of Undertakers.	Power and Heating.		Private Lighting.		Public Lighting.		Total.	
	Units delivered.	Price per Unit.	Units delivered.	Price per Unit.	Units delivered.	Price per Unit.	Units delivered.	Price per Unit.
Local Authorities								
Totals : Local Authorities								
Companies -								
Totals : Companies -								
Totals : Metropolitan Police District of London.								

—(*Mr. Lloyd-George.*)

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

POST OFFICE PENSIONERS' IDENTIFICATION PAPERS.—Question, Mr. Steadman (Finsbury, Central) ; Answer, Mr. Sydney Buxton 1079

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PROSECUTIONS FOR CORRUPTION.—Question, Mr. Lupton (Lincolnshire, Sleaford) ; Answer, Sir John Walton 1080

RE-EMPLOYMENT OF PENSIONED OFFICIALS.—Question, Mr. Smeaton Stirlingshire) ; Answer, Mr. Asquith 1080

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INCOME TAX REBATES.—Question, Mr. Courthope (Sussex, Rye) ; Answer, Mr. Asquith 1082

COMMERCIAL ATTACHÉS.—Question, Mr. Brigg (Yorkshire, W.R., Keighley) ; Answer, Sir Edward Grey 1083

LLANRWST NATIONAL SCHOOL.—Question, Mr. Yoxall (Nottingham, W.) ; Answer, Mr. McKenna 1084

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Trim Sub-Postmistress.—Question, Mr. James O'Connor; Answer, Mr. Sydney Buxton 1085

Juries at Munster Assizes.—Question, Mr. Field (Dublin, St. Patrick); Answer, Mr. Cherry 1085

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Khartoum Girls' School.—Question, Mr. J. M. Robertson (Northumberland, Tyneside); Answer, Sir Edward Grey 1087

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MOROCCO—INTERNATIONAL POLICE FORCE.—Question, Mr. Ashley; Answer, Sir Edward Grey 1138

GIRLS' SCHOOL AT KHARTOUM.—Question, Mr. J. M. Robertson; Answer, Sir Edward Grey 1138

EGYPTIAN CIVIL SERVICE.—Question, Mr. J. M. Robertson; Answer, Sir Edward Grey 1138

EGYPTIAN FACTORY LEGISLATION.—Question, Mr. J. M. Robertson; Answer, Sir Edward Grey 1139

EGYPTIAN MINISTRY OF PUBLIC INSTRUCTION—BRITISH OFFICIALS AND THE ARABIC LANGUAGE.—Question, Mr. J. M. Robertson; Answer, Sir Edward Grey 1139

NEWFOUNDLAND FISHERIES DISPUTE.—Question, Sir Gilbert Parker; Answer, Sir Edward Grey 1139

BRITISH COMMERCIAL AGENTS ABROAD.—Question, Mr. Maddison (Burnley); Answer, Sir Edward Grey 1140

THE BAHR-EL-GHAZEL.—Question, Mr. Pike Pease; Answer, Sir Edward Grey 1140

THE TRUCK ACTS.—Question, Mr. Arthur Henderson (Durham, Barnard Castle) Answer, The Secretary of State for the Home Department (Mr. Gladstone, Leeds, W.) 1140

HOXTON CRIPPLED GIRLS FACTORY.—Questions, Mr. Chiozza-Money (Paddington, N.); Mr. Curran (Durham, Jarrow); Answers, Mr. Gladstone .. 1141

METROPOLITAN POLICE.—Question, Dr. Cooper (Southwark, Bermondsey); Answer, Mr. Gladstone 1142

MOTOR BUS CASUALTIES.—Question, Mr. Bowerman (Deptford); Answer, Mr. Gladstone 1142

SOUTH WESTERN POLICE COURT.—CASE OF ALBERT SMITH.—Question, Mr. Bowerman; Answer, Mr. Gladstone.. 1143

CLAUCHLAND POINT, ARRAN.—Question, Mr. Lamont (Buteshire); Answer, The Parliamentary Secretary to the Board of Trade (Mr. Kearley, Devonport) 1144

BRAKE ACCIDENTS ON RAILWAYS.—Question, Mr. Walsh; Answer, Mr. Kearley 1144

EXCESSIVE WORKING HOURS.—Questions, Mr. T. F. Richards (Wolverhampton, W.), Mr. Austen Chamberlain; Answers, Mr. Kearley 1144

DIPHTHERIA ANTI-TOXIN.—Question, Mr. Ashley; Answer, The President of the Local Government Board (Mr. John Burns, Battersea) 1145

THE AGED AND DESERVING POOR IN WORKHOUSES.—Question, Mr. Clynes (Manchester, N.E.); Answer, Mr. John Burns 1146

METROPOLITAN POOR FUND RECEIVERSHIP.—Question, Dr. Cooper; Answer, Mr. John Burns 1146

COST OF POOR LAW ADMINISTRATION.—Question, Mr. Pike Pease; Answer, Mr. John Burns 1147

SOUTHEND MEDICAL OFFICER.—Question, Dr. Cooper; Answer, Mr. John Burns 1147

THE LONDON UNEMPLOYED.—Questions, Mr. Carr-Gomm (Southwark, Rotherhithe), Mr. Markham (Nottinghamshire, Mansfield), Mr. Lea (St. Pancras, E.); Answers, Mr. John Burns 1148

LABOUR BUREAUX.—Questions, Mr. Alden (Middlesex, Tottenham), Mr. Curran; Answer, Mr. John Burns 1149

HAMPSTEAD SORTING OFFICE.—Question, Mr. C. Duncan (Barrow-in-Furness); Answer, The Postmaster General (Mr. Sydney Buxton, Tower Hamlets, Poplar) 1149

MONTGOMERYSHIRE BORDER SCHOOL CHILDREN.—Question, Mr. Rees; Answer, The President of the Board of Education (Mr. McKenna, Monmouthshire, N.) 1150

SCHOOL INSPECTORS' DUTIES.—Question, Sir G. Kekewich (Exeter): Answer, Mr. McKenna 1150

EDUCATION BUILDING GRANT.—Questions, Mr. Samuel Roberts, Mr. Rees; Answer, Mr. McKenna 1150

OVER PEOVER SCHOOL.—Question, Mr. King (Cheshire, Knutsford); Answer, Mr. McKenna 1151

MORTOMLEY CATHOLIC SCHOOL.—Question, Mr. Boland (Kerry, S.); Answer, Mr. McKenna 1151

ABSTRACTOR CLASS CLERKS.—Question, Mr. Curran; Answer, The Financial Secretary to the Treasury (Mr. Runciman, Dewsbury) 1152

TREASURY CONSULTATIVE COMMITTEE.—Question, Mr. Snowden (Blackburn); Answer, Mr. Runciman 1152

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THE "PARLIAMENTARY DEBATES" CONTRACT.—Question, Mr. William Redmond (Clare, E.); Answer, Mr. Runciman 1152

ENGLISH BLOOD CATTLE IN ARGENTINA.—Question, Mr. Vincent Kennedy (Cavan, W.); Answer, The Treasurer of the Household (Sir Edward Strachey, (Somersetshire, S.) 1153

DUKE OF YORK'S SCHOOL.—Question, Major Coates (Lewisham); Answer, The First Commissioner of Works (Mr. Harcourt, Lancashire, Rossendale) .. 1154

WAR OFFICE BUILDINGS IN PALL MALL.—Question, Major Coates; Answer, Mr. Harcourt 1154

SCOTTISH MISSIVE SYSTEM.—Question, Mr. C. E. Price (Edinburgh, Central); Answer, The Secretary for Scotland (Mr. Sinclair, Forfarshire) 1154

ANTI-CATHOLIC LECTURES IN AYRSHIRE.—Question, Mr. J. MacVeagh (Down, S.); Answer, Mr. Sinclair 1155

ARGENTINE CATTLE TRADE.—Question, Mr. Vincent Kennedy (Cavàn, W.); Answer, The Vice-President of the Department of Agriculture for Ireland (Mr. T. W. Russell, Tyrone, S.) 1155

IRISH FISHING INDUSTRY.—Question, Mr. P. A. McHugh (Sligo); Answer, Mr. T. W. Russell 1155

VERNERSBRIDGE ASSAULT CASE.—Question, Mr. J. MacVeagh; Answer, The Attorney-General for Ireland (Mr. Cherry, Liverpool, Exchange) 1156

IRISH TRADE WITH CURACOA.—Question, Mr. Boland (Kerry, S.); Answer, Sir Edward Grey 1157

IRISH TRADE WITH HAMBURG.—Question, Mr. Boland; Answer, Sir Edward Grey 1157

IRISH-OWNED VESSELS IN HAMBURG PORT.—Question, Mr. Boland; Answer, Sir Edward Grey 1158

IRISH PROVIDENT ASSURANCE COMPANY, LIMITED.—Question, Mr. Joyce (Limerick); Answer, Mr. Kearley 1158

KILRUSHHEIGHTER LETTER BOX.—Question, Mr. P. A. McHugh; Answer, Mr. Sydney Buxton 1159

THE ALL-RED ROUTE.—Questions, Mr. R. D. Holt (Northumberland, Hexham), Mr. Harold Cox; Answers, The Prime Minister and First Lord of the Treasury (Sir H. Campbell-Bannerman, Stirling Burghs) 1159

NEW HEBRIDES CONVENTION.—Question, Mr. Staveley-Hill (Staffordshire, Kingswinford); Answer, Sir H. Campbell-Bannerman 1160

BELFAST LABOUR DISPUTE—BOARD OF TRADE ARBITRAMENT.—Question, Mr. J. Devlin (Belfast, W.); Answer, Sir H. Campbell-Bannerman 1160

POST OFFICE BASKET CONTRACTS.—Question, Mr. Clynes (Manchester, N.E.); Answer, Mr. Sydney Buxton 1161

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THE WITHDRAWAL OF THE SCOTTISH LAND BILL.

The Prime Minister and First Lord of the Treasury (Sir H. Campbell-Bannerman, Stirling Burghs) 1162
Mr. A. J. Balfour (City of London) 1164

NEW MEMBER SWORN.—Ellis Jones Griffith, esquire, for the county of Anglesea 1167

STANDING ORDERS.—Ordered, That the Standing Orders, as amended, be printed. [No. 329] 1167

Expiring Laws Continuance Bill.—Read a second time.

Bill committed to a Committee of the Whole House for To-morrow.—(*Mr. Chancellor of the Exchequer.*) 1167

Public Works Loan Bill.—Order for Second Reading read.

The Financial Secretary to the Treasury (Mr. Runciman, Dewsbury) .. 1168

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Runciman.*)

Sir F. Banbury (City of London) 1172
Mr. Victor Cavendish (Derbyshire, W.) 1174
Sir Gilbert Parker (Gravesend) 1175
The Under-Secretary of State for the Colonies (Mr. Churchill, Manchester, N.W.) 1178
Sir F. Banbury 1186
Mr. Charles Roberts (Lincoln) 1188
The Earl of Ronaldshay (Middlesex, Hornsey) 1189
Mr. Gill (Bolton) 1191
Mr. Bowles (Lambeth, Norwood) 1192
Mr. Mitchell-Thomson (Lanarkshire, N.W.) 1194
Sir William Holland (Yorkshire, W.R., Rotherham) 1195
Mr. Mooney (Newry) 1195
Mr. Gretton (Rutland) 1197
Mr. Muldoon (Wicklow, E.) 1198
Mr. Runciman 1199
Mr. Duffy (Galway, S.) 1199

Question put, and agreed to.

Bill read a second time.

Bill committed to a Committee of the Whole House for To-morrow.—(*Mr. Runciman.*)

Vaccination (Scotland) Bill [LORDS].—Considered in Committee, and reported; as amended, to be considered To-morrow 1200

Public Health (Scotland) Amendment Bill [LORDS].—Considered in Committee, and reported, without Amendment; read the third time, and passed, without Amendment 1200

Vaccination Bill.—Lords Amendment considered.

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Lords Amendment—

"In page 1, at lines 10 and 11, to leave out the words 'either parent or such other person as the case may be,' and to insert the word 'he.'"

Read a second time.

The Parliamentary Secretary to the Local Government Board (*Dr. Macnamara, Camberwell, N.*) 1200

Motion made, and Question proposed, "That this House doth agree with the Lords' in the said Amendment."

Mr. Lupton (*Lincolnshire, Sleaford*) 1201
Sir W. J. Collins (*St. Pancras, W.*) 1203
Mr. Lehmann (*Leicestershire, Market Harborough*) 1203
Mr. Cave (*Surrey, Kingston*) 1204
The President of the Local Government Board (*Mr. John Burns, Battersea*) 1205

Question put, and agreed to.

Lights on Vehicles Bill.—Lords Amendments considered.

Lords' Amendments to the Amendment in page 2, line 29, agreed to.

Lords' Amendment—

"In line 29, after the word 'rate' to insert as a new subsection the words :—'(5) In the application of this section to the County of London, the London County Council shall be substituted for the council of a borough [and the county fund for the borough fund or rate], and, in the application of this section to the City of London, the mayor, aldermen, and commons of that City, in common council assembled, shall be subtituted for the council of a borough, and [the consolidated rate for the borough fund or rate].'"

The next Amendment read a second time, and having been amended by the insertion in parentheses, agreed to.

Remaining Lords Amendments agreed to 1207

Sheriff Courts (Scotland) Bill.—As Amended (by the Standing Committee), considered."

Mr. Nield (*Middlesex, Ealing*) 1207

Amendment proposed—

"In page 3, line 32, to leave out the words 'or of separation and aliment.'"—(*Mr. Nield.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

The Lord Advocate (*Mr. Thomas Shaw, Hawick Burghs*) 1210
Mr. Mitchell-Thomson 1211
Lord R. Cecil 1211

Amendment, by leave, withdrawn.

Amendments proposed—

"In page 34, line 8, to leave out the word 'ten' and to insert the word 'two.'"

"In the First Schedule to leave out the word 'ten' and to insert the word 'two.'"

"In line 12, to leave out the word 'ten' and to insert the word 'two.'"

"In line 19, to leave out the word 'ten' and to insert the word 'two.'"

"In line 20, to leave out the word 'ten' and to insert the word 'two.'"

"In line 22, to leave out the word 'ten' and to insert the word 'two.'"—(*Mr. Thomas Shaw.*)

Amendments agreed to

Motion made, and Question proposed, "That the Bill be now read a third time."—(*Mr. Thomas Shaw.*)

Question put, and agreed to.

Bill read the third time, and passed

WHALE FISHERIES (SCOTLAND) [EXPENSES].—Resolution reported, "That it is expedient to authorise the payment, out of moneys provided by Parliament, of expenses incurred by the Fishery Board for Scotland in pursuance of any Act of the present session to regulate Whale Fisheries in Scotland."

Mr. Bowles 1213
Mr. Sinclair 1213

Resolution agreed to.

Whale Fisheries (Scotland) Bill.

Considered in Committee.

(In the Committee.)

[Mr. CALDWELL (Lanarkshire, Mid) in the Chair.]

On Clause 1:—

Lord Balcarres 1214

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Amendment proposed—

"In page 1, lines 6 and 7, to leave out the words 'or other products.'"—(*Lord Balcarres.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

Mr. Sinclair .. 1214
Mr. Bowles .. 1215
Lord Balcarres .. 1215
Mr. Forster (*Kent, Sevenoaks*) .. 1215
Mr. Sinclair .. 1216

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 1, line 7, after the word 'products,' to insert the words 'or within three miles of low-water mark of any part of the coast of Scotland, pursue, kill, or shoot at any whale.'"—(*Mr. Sinclair.*)

Question proposed, "That those words be there inserted."

Mr. Forster .. 1217
Mr. Ashley .. 1217
Mr. Bowles .. 1218
Lord Balcarres .. 1218
Mr. Sinclair .. 1219

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 1, line 10, to leave out from the word 'pounds' to the end of clause."—(*Mr. Bowles.*)

Amendment agreed to.

Question proposed, "That Clause 1 stand part of the Bill."

Mr. Forster .. 1219
Lord Balcarres .. 1219
Mr. Ashley .. 1220
Mr. Bowles .. 1221
Mr. Sinclair .. 1222
Mr. Morton (*Sutherland*) .. 1224
Mr. Leverton Harris (*Tower Hamlets, Stepney*) .. 1225
Lord Balcarres .. 1225

Question put, and agreed to.

Clause 2:—

Amendments proposed—

"In page 1, line 17, to leave out the words 'one month' and to insert the words 'two months.'"

"In page 1, line 18, after the word 'thereof,' to insert the words 'once in each of two consecutive weeks with an interval between each publication of not less than six days.'"—(*Mr. Sinclair.*)

Amendments agreed to.

Mr. Bowles 1226
Mr. Sinclair 1226

Amendment proposed—

"In page 2, line 16, to leave out the words 'It shall be lawful for the Board,' and to insert the words 'the Board shall.'"—(*Mr. Sinclair.*)

Question proposed, "That the words proposed to be left out stand part of the clause'

Mr. Sinclair 1227
Mr. Mitchell-Thomson 1227
Mr. Bowles 1228

Amendments agreed to

Amendments proposed—

"In page 2, line 20, to leave out the word 'to.'"

"In page 2, line 22, to leave out the word 'two,' and to insert the word 'three.'

'In page 2 line 37, to leave out the word 'three,' and to insert the word 'four.'"—(*Mr. Sinclair.*)

Amendments agreed to.

Lord Balcarres 1228

Amendment proposed—

'In page 3, lines 2 and 3, to leave out the words 'one hundred,' and to insert the word ten.'"—(*Lord Balcarres.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

Mr. Sinclair 1229

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 3, lines 3 and 4, to leave out the words 'for each whaling steamer the use of which is authorised thereby'"—(*Mr. Bowles.*)

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Mr. Sinclair 1230

Amendment, by leave, withdrawn.

Clause, as amended, agreed to.

Clause 3 :—

Mr. Forster 1230

Amendment proposed—

"To leave out Subsection 1."—(*Mr. Forster.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

Mr. Sinclair 1230
Mr. Bowles 1231

Amendment, by leave, withdrawn.

Amendment proposed—

"To leave out Subsection 3."—(*Mr. Forster.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

Mr. Sinclair 1231
Mr. Bowles 1231
Mr. Fell 1232

Amendment, by leave, withdrawn.

Mr. Bowles 1232
Mr. Sinclair 1232
Mr. Forster 1232
Mr. Ashley 1234
Lord Balcarres 1234
Mr. Forster 1235
Mr. Courthope 1235
Mr. Ashley 1236
Mr. Mitchell-Thomson 1236

Amendment negatived.

Clauses 3 and 4 were agreed to.

Clause 5 :—

Mr. Forster 1236
Mr. Sinclair 1237
Mr. Forster 1231

Clause 5 agreed to.

Clause 6 :—

Mr. Bowles 1237

Clause 6 agreed to.

Clause 7 and 8 agreed to.

Lord Balcarres 1238
Mr. Geo. Whiteley 1238
Mr. Forster 1238
Lord Balcarres 1239

Clause 9 agreed to.

Bill reported; as amended, to be considered To-morrow.

East India Revenue Accounts.—Order read, for resuming Adjourned Debate on Amendment to Question [6th June], " That Mr. Speaker do now leave the Chair (for Committee on East India Revenue Accounts)."

Which Amendment was—

" To leave out from the word ' That,' to the end of the Question, and add the words ' this House, whilst affirming the imperative necessity of maintaining peace and order in India, is of opinion that an inquiry by means of a Parliamentary Committee or Royal Commission should be instituted into the causes at the root of the dissatisfaction ' "—(*Mr. George Hardy*)—instead thereof.

Question again proposed : " That the words proposed to be left out stand part of the Question."

Mr. Forster 1240
Mr. George Whitley 1240

Question put, and agreed to.

Main Question put, and agreed to.

East India Revenue Accounts.

(In the Committee).

Resolved, That it appears, from the Accounts presented to Parliament, that in 1905–6 the Revenue of India amounted to £73,327,957, the Expenditure charged against Revenue to £71,236,103, and the Capital Expenditure not charged to Revenue to £9,966,393.—(*Mr. Whiteley.*)

Resolution to be reported 1240

POST OFFICE (EAST INDIA, CHINA, AND AUSTRALIA) MAILS.

Motion made and Question proposed, "That the Contract, dated the 7th day of August, 1907, between the Postmaster-General and the Peninsular and Oriental Steam Navigation Company for the conveyance of the East India, China, and Australia Mails for the period from the 1st day of February, 1908, to the 31st day of January, 1915, be approved."—(*Mr. Runciman.*)

Mr. Holt (Northumberland, Hexham) 1241
Mr. Havelock Wilson (Middlesbrough) 1242
The Secretary to the Treasury (Mr. Runciman, Dewsbury) 1243

Question put.

The House divided :—Ayes, 93 ; Noes, 19. (Division List No. 457).

GREENWICH HOSPITAL.

Motion made and Question proposed, "That the statement of the estimated income and expenditure of Greenwich Hospital and of Travers' Foundation for the year 1907–8 be approved."—(*Mr. Lambert.*)

Mr. Bramsdon (Portsmouth) 1247
The Civil Lord of the Admiralty (Mr. Lambert, Devonshire, South Molton) 1248

Question put, and agreed to.

Resolved accordingly.

NEW WRIT.—New Writ for the County of Longford (South Longford), in the room of the honourable Edward Blake, K.C. (Chiltern Hundreds).—(*Captain Donelan.*) 1248

Whereupon Mr. SPEAKER, pursuant to the Order of the House of the 26th day of July last, adjourned the House without Question put.

Adjourned at twenty-five minutes before Twelve o'clock.

HOUSE OF LORDS: FRIDAY, 23RD AUGUST, 1907.

PRIVATE BILL BUSINESS.

Local Government Provisional Orders (No. 11) Bill.—Returned from the Commons with the Amendments agreed to 1249

Inverness Royal Academy Order Confirmation Bill.—Read 3ª (according to Order), and passed 1249

PETITIONS.

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.—Petition for Amendment of; of magistrates and town council of Aberbrothock or Arbroath; read and ordered to lie on the Table 1249

RETURNS, REPORTS, ETC.

TREATY SERIES, NO. 25 (1907).—Treaty between the United Kingdom and Panama, for the mutual surrender of fugitive criminals; signed at Panama, 25th August, 1906. (Ratifications exchanged at Panama, 15th April, 1907) 1249

STRIKES AND LOCK-OUTS.—Report on strikes and lock-outs and on conciliation and arbitration boards in the United Kingdom in 1906 1249

STATISTICS.—Statistical Abstract for the principal and other foreign countries in each year from 1895 to 1904-1905 (as far as particulars can be stated). Thirty-third number 1249

INDIA (ADVISORY AND LEGISLATIVE COUNCILS, ETC.)—Papers relating to an Imperial Advisory Council and Provincial Advisory Councils, the enlargement of the Legislative Councils, and the discussions of the Budgets. Presented (by Command), and ordered to lie on the Table 1249

Public Health (Scotland) Amendment Bill [H.L.]—Returned from the Commons agreed to 1250

Vaccination (Scotland) Bill [H.L.]—Returned from the Commons agreed to, with Amendments; the said Amendments to be considered To-morrow .. 1250

Vaccination Bill.—Returned from the Commons with the Amendment agreed to 1250

Lights on Vehicles Bill.—Returned from the Commons with the Amendments agreed to, with Amendments 1250

HOUSE OF LORDS OFFICES.—Report from the Select Committee considered (according to Order), and agreed to 1250

Marriage with a Deceased Wife's Sister Bill.—House in Committee (according to Order).

[The Earl of ONSLOW in the Chair.]

Clause 1:—

The Earl of Shaftesbury 1250

Amendment moved—

"In page 1, line 5, to leave out the words 'heretofore or'"—(*The Earl of Shaftesbury.*)

The First Lord of the Admiralty (Lord Tweedmouth) 1252
The Marquess of Salisbury 1253
Viscount Halifax 1255
The Lord Chancellor (Lord Loreburn) 1256
The Earl of Rosebery 1257
The Lord Bishop of Salisbury 1257

Amendment, by leave, withdrawn.

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The Lord Archbishop of Canterbury 1257

Amendment moved

"In page 1, line 6, after the word 'without' to insert the words 'other than a marriage hereafter contracted in England by solemnisation thereof by a clergyman in Holy Orders of the Church of England'"—(*The Lord Archbishop of Canterbury.*)

Lord Tweedmouth 1261
Viscount St. Aldwyn 1264
Lord Stanley of Alderley 1264
The Lord Chancellor 1266
Viscount Halifax 1267
The Lord Archbishop of Canterbury 1268
The Earl of Rosebery 1268
Lord James of Hereford 1269
The Lord Bishop of Bath and Wells 1271
The Lord Bishop of Southwark 1271
The Lord President of the Council (The Earl of Crewe) 1272
The Marquess of Lansdowne 1273
Lord Tweedmouth 1275
The Lord Archbishop of Canterbury 1276
The Marquess of Salisbury 1276

On Question, "That those words be there inserted," their Lordships divided:—Contents, 65; Not-Contents, 108.

Viscount Halifax 1279
The Lord Archbishop of Canterbury 1279

Amendment moved—

"In page 1, lines 10 and 11, to leave out the words 'compelled to solemnise the marriage of any man with his deceased wife's sister or shall be'"—(*The Lord Archbishop of Canterbury.*)

On Question, Amendment agreed to.

The Lord Archbishop of Canterbury 1280

Amendment moved—

"In page 1, line 12, to leave out from the word 'for' to the word 'provided' in line 22, and to insert the words 'anything done or omitted to be done by him in the performance of the duties of his office to which suit, penalty or censure he would not have been liable if this Act had not been passed.'"—(*The Lord Archbishop of Canterbury.*)

On Question, Amendment agreed to.

Lord Tweedmouth 1280

Amendment moved—

"In page 1, line 18, to leave out the word 'shall' and to insert the word 'may.'"—(*Lord Tweedmouth.*)

On Question, Amendment agreed to.

Lord Balfour of Burleigh 1281

Amendment moved—

"In page 1, line 23, after the word 'annulled' to insert the words 'or proceedings for the dissolution of such marriage shall have been commenced.'"—(*Lord Balfour of Burleigh.*)

Lord Stanmore 1281
The Marquess of Salisbury 1281

On Question, Amendment agreed to.

The Duke of Northumberland 1282

Amendment moved—

"In page 1, line 26, after the word 'annulled' to insert the words 'or upon which proceedings for the dissolution of such marriage shall have been commenced.'"—(*The Duke of Northumberland.*)

On Question, Amendment agreed to.

Clause 1, as amended, agreed to.

Clause 2 :—

Lord Balfour of Burleigh 1282

Amendment moved—

"In page 2, line 2, after the word 'contingent' to insert the words 'or presumptive.'"—(*Lord Balfour of Burleigh.*)

Lord Tweedmouth 1282
Lord Balfour of Burleigh 1283

Amendment, by leave, withdrawn.

Clause 2 agreed to.

Clause 3 agreed to.

Amendment moved—

"To insert the following new clause :—'(4) Nothing in this Act shall relieve a clergyman in Holy Orders of the Church of England from any ecclesiastical censure to which he would have been liable if this Act had not been passed by reason of his having contracted or hereafter contracting a marriage with his deceased wife's sister.'"—(*The Lord Archbishop of Canterbury.*)

On Question, Amendment agreed to.

Clause 4 agreed to.

Viscount Goschen 1284

Amendment moved—

"After Clause 4 to insert the following new clause:—'It shall be lawful for His Majesty to appoint a Commission to inquire and report whether it is expedient to make other Amendments in the law relating to marriage within the prohibited degrees in order to bring the principle of these degrees into conformity with the provisions of this Act. Such report shall be laid before Parliament, and thereupon His Majesty may issue an Order in Council bringing this Act into force. The order shall be laid before Parliament, and unless within the next subsequent forty days an address is presented to His Majesty by either House of Parliament, praying that such order be annulled, this Act shall come into force accordingly, but not otherwise.'"—(*Viscount Goschen.*)

Lord Tweedmouth 1285
The Marquess of Salisbury 1285
Lord Tweedmouth 1287
The Duke of Northumberland 1288
Viscount Halifax 1288

Amendment, by leave, withdrawn.

Standing Committee negatived.

The Report of Amendments to be received on Monday next; and Bill to be printed as amended. [No. 205.]

Sheriff Courts (Scotland) Bill.—Brought from the Commons and read 1^a; to be printed; and to be read 2^a To-morrow.—(*The Lord Hamilton of Dalzell.*) [No. 206] 1289

Expiring Laws Continuance Bill.—Brought from the Commons and read 1^a, and to be printed. [No. 207] 1289

Public Works Loan Bill.—Brought from the Commons and read 1^a, and to be printed. [No. 208] 1289

Whale Fisheries (Scotland) Bill.—Brought from the Commons and read 1^a; to be printed; and to be read 2^a To-morrow.—(*The Lord Hamilton of Dalzell.*) [No. 209] 1289

Notification of Births Bill.—Brought from the Commons and read 1^a; to be printed; and to be read 2^a To-morrow.—(*The Lord Allendale.*) [No. 210] 1290

Evicted Tenants (Ireland) Bill.—Order of the day read, for the consideration of Commons Amendments to Lords Amendments, and Commons reasons for disagreeing to certain of the Lords Amendments.

The Lord President of the Council (*The Earl of Crewe*) 1290

Page

Moved, "That the House do not insist on its Amendment to page 1, lines 5 to 13."—(*The Earl of Crewe.*)

Lord Atkinson 1293
Viscount Midleton 1295
The Marquess of Lansdowne 1297
The Earl of Crewe 1298
Lord Ashbourne 1298
Viscount Midleton 1300
Viscount St. Aldwyn 1301

On Question—

"That this House do not insist on the Amendment in Clause 1, page 1, lines 5 to 13, to leave out Subsection (1), and insert a new subsection to which the Commons have disagreed."

Motion agreed to.

Amendment moved—

"In page 1, line 9, to omit the words 'fair market value thereof,' and to insert the words 'compensation for the loss which would be sustained by the owner by being deprived thereof.'"—(*Viscount Midleton.*)

On Question, Amendment agreed to.

Viscount Midleton 1302

Amendment moved—

"In page 1, line 10, after the word 'may,' to insert the words 'subject to the provisions as to appeal contained in this Act.'"—(*Viscount Midleton.*)

On Question, Amendment agreed to.

The Earl of Crewe 1302

Moved, "That this House do not insist on their Amendment to page 2, line 4, after the word 'Acts' to insert the words 'not exceeding 2,000 in all.'"—(*The Earl of Crewe.*)

The Marquess of Londonderry 1303
The Earl of Mayo 1304
The Earl of Donoughmore 1305
Lord Ashbourne 1305
The Earl of Crewe 1307

Moved, "That the Commons' Amendment to Clause 1, page 2, line 15, be agreed to.'"—(*The Earl of Crewe.*)

Lord Robertson 1309
The Marquess of Lansdowne 1311

On Question, Motion negatived.

Moved, "That the House do insist upon their Amendment to page 3, line 23."—(*Viscount Midleton.*)

On Question, Motion agreed to.

Consequential Motion agreed to

Lord Monteagle of Brandon 1313

Moved, "To amend the Amendment by the Commons in page 3, line 23 by leaving out the words 'purchase money' and inserting the words 'amount of compensation,' and by leaving out the words 'the prescribed time' and inserting the words 'six months.'"—(*Lord Monteagle of Brandon.*)

The Earl of Crewe 1313

On Question, "That the House do not insist on their Amendment on page 3, lines 22 to 27, to leave out Subsection (6)," agreed to.

On Question, Lord Monteagle of Brandon's Amendment, with the addition of the words proposed by the Earl of Crewe—"six months after the expiration of the time limited for the presentation of petitions," agreed to.

The Earl of Crewe 1315
Lord Atkinson 1316

Amendment moved—

"Not to insist on the Amendment in page 3, line 30, to which the Commons have disagreed, but to insert the following new Amendment in lieu thereof. To leave out from the word 'thereon' to the end of the Subsection (7) and insert the words :—'(*a*) Any person aggrieved by any order or proceeding of the Estates Commissioners under this Act may within the time and in the manner prescribed by rules to be made as herein-after provided, apply as he shall elect, either to the King's Bench Division of the High Court of Justice in Ireland or to the Judges of Assize for the county in which the lands sought to be acquired, or the greater part thereof, are situated, to hear and determine any question of law or fact arising out of any such order or proceeding, including any question of law or fact under Section 1, Subsection 3, and Section 6. Every such application shall be heard and determined by one of the Judges of Assize for the said county, or by one of the Judges of the King's Bench Division, to be selected by the said Judges according to a rota to be framed by them at the commencement of each sitting of the said High Court. Upon hearing of every such application the Judge shall have power and authority to hear and determine all questions of law and fact that may arise, including the adequacy of the compensation awarded by the said order, and he may give judgment affirming, modifying, or reversing the said order of the Estates Commissioners, and may make such order as to the costs of and incidental to the said petition, and the hearing of the said application, as he may think fit; (*b*) Upon the hearing of every such application the said Judge shall have the juris-

diction, power, and authority possessed by a Judge of the High Court of Justice in Ireland when presiding at a trial at Nisi Prius, including the power to administer an oath, and to compel the attendance of witnesses and the production of documents. He shall also have the power to direct that an independent valuer, to be nominated by him, should report to him his opinion upon any matter the Judge may think fit to refer to him, and he may make such order in reference to the costs of any such report as he may deem just; (*c*) In the determination of any question as to the adequacy of the compensation offered, the Judge shall have regard to the principles of the provisions of the Lands Clauses Consolidation Act, 1845, applicable to the compulsory purchase of land, and for the purposes of the said application before the said Judge, the Estates Commissioners shall be deemed to be the promoters of the undertaking within the meaning of the said Act. Provided that no additional allowance shall be made in respect of the purchase being compulsory; (*d*) The Estates Commissioners shall be competent, but not compellable witnesses upon the hearing of every such application, and they shall furnish to the Judge hearing the same all such particulars and documents as shall by him be required, including a schedule in the form prescribed by Section 7 of the Act of 1903, together with a statement of the superior interests, if any, to which the lands sought to be acquired, or the estate of which they form a part, may be subject; (*e*) The inspectors and other officers of the Land Commission, other than the Land Commissioners themselves, shall be competent and compellable witnesses upon the hearing of every such application; (*f*) The said King's Bench Division and the Judges of Assize, respectively, may order that all applications pending before them in respect of the same petition or order as aforesaid may be consolidated and heard together, and for the more convenient, speedy, or proper hearing of any such applications, may order that the hearing of the same may be transferred from the said Division to the Judges of Assize, or from the Judges of Assize to that Division, as the case may be, and the said application, when so transferred, shall be heard and determined as if it had originally been made to the tribunal to which it has been transferred; (*g*) The Judge before whom any such application is heard may, where he deems it expedient, reserve any question or matter arising upon such application, by way of case stated, for the consideration of His Majesty's Court of Appeal in Ireland; (*h*) All cases stated for the Court of Appeal shall be prosecuted, heard, and determined by such Court in such manner and form, and subject to such rules and regulations as the Court may from time to time by rules direct. The said Court of Appeal shall give such judgment as ought to have been given in the Court below by the Judge thereof, and such judgment shall be of the like effect as if it had been the judgment of the said Judge, or the said Court of Appeal may remit the case with such directions as they think fit to the Court below; (*i*) In the interval between the lodging of any such application to the Judges of Assize and the opening of the Assizes for the county in which such application is to be heard the King's Bench Division of the High Court of Justice in Ireland shall, on the motion in the prescribed manner of the applicant, the Estates Commissioners, or any party interested, have jurisdiction, power, and authority to make any order of an interlocutory nature in the matter of the said application, as if the same were an action at law pending in the said division; (*i*) The provisions of Section 23 of the Act of 1903 shall apply to this Act so far as the same are not inconsistent with the provisions of the latter

Provided that a question of law which had been decided by a Judge of the High Court of Assize, or by the Court of Appeal under the provisions of this Act, shall not after the date of such decision be referred for decision to the Judicial Commissioner, nor while a question of law is awaiting decision in any application pending before such a Judge shall the same question of law be referred for decision to the Judicial Commissioner, unless at the request of some person who is neither a party to nor interested in the manner of the said application; (*k*) The compensation to be paid to any owner of land in respect of the loss thereof shall for the purpose of the Land Purchase Acts be deemed to be the price to be paid for the purchase thereof; (*l*) Rules of Court regulating and prescribing the practice, procedure, and the costs of and incidental to the hearing of all proceedings under this section before the King's Bench Division, or any Judge thereof, or any Judge of Assize, may be made by the authority having power to make Rules of Court for the Supreme Court of Judicature in Ireland; (9) If all questions under all petitions have been determined in such a manner that the Estates Commissioners would be entitled under the order of the Judge of Assize, or of the King's Bench Division, or of the Court of Appeal, as the case may be, to acquire the said lands, and if it appears to the Estates Commissioners that they cannot re-sell the land for the purposes of this Act without incurring a greater loss than that authorised by the Lord-Lieutenant, with the consent of the Treasury, they may at any time within six weeks after the determination of the amount of the compensation by notice in writing signify to such owner that it is not their intention to acquire the land, and in such case the Estates Commissioners shall pay to the owner compensation for any loss or expenses which he may have sustained or incurred by reason or in consequence of the proceedings, but if no such notice is given within the said period, the Land Commission shall, within six months after such determination, pay the amount of the compensation into the Bank of Ireland, and the Estates Commissioners shall make an order vesting the lands in the Land Commission.' "—(*Lord Atkinson.*)

The Earl of Crewe 1325
The Earl of Bessborough 1328
The Marquess of Lansdowne 1328
The Earl of Mayo 1329
The Earl of Leitrim 1330
The Marquess of Lansdowne 1331
The Earl of Crewe 1331
Lord Ashbourne 1333

On Question, "That this House do not insist on their Amendment with which the Commons have disagreed," Motion agreed to.

On Question, "That this House do disagree with Commons proposed Amendments," Motion agreed to.

On Question, "That Lord Atkinson's new Amendment be there inserted," Motion agreed to.

The Earl of Crewe 1336

Moved, "That this House do agree to Commons' Amendment of their Amendment."—(*The Earl of Crewe.*)

On Question, Motion agreed to.

The Earl of Crewe 1337

Moved, "That this House do not insist on their Amendment to page 4, line 19."—(*The Earl of Crewe.*)

On Question, Motion agreed to.

The Earl of Crewe 1337

Moved, "That this House do not insist on their Amendment on page 4, line 22."—(*The Earl of Crewe.*)

On Question, Motion agreed to.

Moved, "That the House agree to the Amendment of the Commons at page 4, line 22."—(*The Earl of Crewe.*)

On Question, Motion agreed to.

The Earl of Crewe 1338
Lord Ashbourne 1338

Moved, "That the House do insist upon their Amendment to page 5 line 5, with which the Commons have disagreed."—(*Lord Dunboyne.*)

On Question, Motion agreed to.

The Earl of Crewe 1338

Moved, "That the House do disagree with the Commons' consequential Amendments in page 5, lines 6, 7 and 8."—(*The Earl of Crewe.*)

On Question, Motion agreed to.

The Earl of Crewe 1339

Moved, "That this House do not insist on their Amendment to leave out Clause 5."—(*The Earl of Crewe.*)

On Question, Motion agreed to.

Moved, "That the House do agree to the Commons Amendment at the end of Clause 5."—(*The Earl of Crewe.*)

On Question, Motion agreed to.

The Earl of Crewe 1339

Moved, "That this House do agree to the Commons Amendment of their Amendment to page 5, line 25."—(*The Earl of Crewe.*)

On Question, Motion agreed to.

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The Earl of Crewe 1339
Lord Clonbrock 1340

Amendment moved—

"That the word 'adapted' be substituted for the word 'suitable.'"—(*The Earl of Crewe.*)

On Question, Amendment agreed to.

Moved, "That this House do insist upon their Amendment to page 5, line 26, as amended."—(*Lord Clonbrock.*)

On Question, Motion agreed to.

Moved, "That this House do insist upon their Amendment to page 5, line 32."—(*Lord Clonbrock.*)

On Question, Motion agreed to.

After Clause 6:—

The Earl of Crewe 1342

Moved, "That this House do insist upon their Amendment to insert new clause after Clause 6."

On Question, Motion agreed to.

The Earl of Crewe 1342

Moved, "That this House do not insist upon their Amendment to leave out Clause 13."—(*The Earl of Crewe.*)

The Marquess of Lansdowne 1342

On Question, Motion negatived.

After Clause 15:—

Moved, "That this House do not insist upon their Amendment after Clause 15."—(*The Earl of Crewe.*)

On Question, Motion agreed to.

The Earl of Crewe 1343
The Marquess of Lansdowne 1344

Moved, "That the House do rescind their Resolution to insist upon the omission of Clause 13."—(*The Lord Chancellor.*)

On Question, Motion agreed to.

Moved, "That Clause 13 be amended by inserting after the word 'shall' the words 'from and after the passing of this Act.'"—(*The Marquess of Lansdowne.*)

On Question, Motion agreed to.

A Committee appointed to prepare reasons for the Lords insisting on certain of their Amendments and for disagreeing to certain of the Commons Amendments. The Committee to meet forthwith.

Public Health Bill.—Order of the Day for the House to be put into Committee on the Public Health Bill.

The Chairman of Committees 1344

House in Committee (according to Order).

The Amendments proposed by the Select Committee made

Clauses 1 and 2 agreed to.

Clause 3:—

Lord Eversley 1345

Amendment moved—

" In page 2, line 21, after the word ' place,' to insert the following new subsection: ' (2) the local authority shall, one month at least before applying for an Order, give notice of their intention to make such application by advertising the same in one or more of the newspapers circulating in their district once at least in each of two successive weeks, and no Order shall be made under this section until proof of such advertisement has been given to the satisfaction of the Local Government Board, and until at least one month has elapsed after the date of the last of such advertisements.' "—(*Lord Eversley.*)

On Question, Amendment agreed to.

Clause 3, as amended, agreed to.

Clauses 4 to 11 agreed to.

Clauses 12 to 48, with drafting Amendments, agreed to.

Clause 49:—

Lord Monk Bretton 1346

Clauses 49 to 74, with drafting Amendments, agreed to.

Clause 75:—

The Earl of Carlisle 1346

Amendment moved—

" In page 33, line 21, to leave out the words ' either manage themselves, or, if they see fit.' "

" In page 33, line 23, after the word ' years ' to insert the words ' provided that such refreshment rooms shall not be licensed for the sale of intoxicating liquors.' "—(*The Earl of Carlile.*)

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Lord Allendale 1347
The Earl of Onslow 1348
The Earl of Carlisle 1349

Amendment, by leave, withdrawn

Clause 73 agreed to.

Clauses 76 to 93, with drafting Amendments, agreed to.

Clause 94 :—

Lord Allendale 1350

Amendment moved—

"In page 44, line 2, after the word 'Act' to insert the words 'provided that the local authority shall not on any lands so appropriated create or permit any nuisance, and that the local authority shall not on any such lands sink any well for the public supply of water or construct any cemetery, burial ground, destructor, station for generating electricity sewage farm, or hospital for infectious disease, unless after local inquiry and consideration of any objections made by persons affected the Local Government Board, subject to such conditions as they think fit, authorise the work or construction.' "—(*Lord Allendale.*)

On Question, Amendment agreed to.

Drafting Amendments agreed to.

Clause, as amended, agreed to.

Standing Committee negatived.

Then (Standing Order No. XXXIX. having been suspended): Amendments reported. Bill read 3ª with the Amendments, and passed, and returned to the Commons.

Patents and Designs Bill.—House in Committee (according to Order).

Clauses 1 to 6 agreed to.

Clause 7 :—

The Marquess of Salisbury 1351

Amendment moved—

"To leave out Clause 7."—(*The Marquess of Salisbury.*)

The Lord Chancellor 1353
The Marquess of Salisbury 1354
The Lord Chancellor 1355

On Question, Amendment negatived.

Clause 7 agreed to.

Clauses 8 and 9 agreed to.

Clause 10 :—

The Earl of Granard 1356

Drafting Amendments agreed to.

Clause 10, as amended, agreed to.

Clauses 11 to 14 agreed to.

Clause 15 :—

The Earl of Granard 1356

Amendment moved—

"In page 6, line 23, to leave out from the word 'patent' to the word 'of,' in line 26, and insert the words 'and not less than one year after the passing.'"—(*The Earl of Granard.*)

The Marquess of Salisbury 1357

On Question, Amendment agreed to.

Drafting Amendments agreed to.

Clause 15, as amended, agreed to.

Clauses 16 to 22 agreed to.

Clause 23 :—

The Earl of Granard 1357

Amendment moved—

"In page 10, lines 4 and 5, to leave out the words 'did not arise from any misconduct on the part of the patentee' and to insert the words 'that no undue delay has occurred in making the application.'" —(*The Earl of Granard.*)

On Question, Amendment agreed to.

Clause 23, as amended, agreed to

Clause 24 :—

Drafting Amendment agreed to.

The Lord Chancellor 1358

Amendment moved—

"In line 30, after the word 'policy,' to insert the words 'Provided that this subsection shall not apply if (i.) the seller, lessor, or licensor proves that at the time the contract was entered into the purchaser, lessee, or licensee had the option of purchasing the article or obtaining a lease or licence on reasonable terms, without such conditions as aforesaid; and (ii.) the contract entitles the purchaser, lessee, or licensee to relieve himself of his liability to observe any such condition on giving the other party three months notice in writing and on payment in compensation for such relief in the case of a purchase, of such reasonable sum, or in the case of a lease or licence of such reasonable rent or royalty for the residue of the term of the contract, as may be fixed by an arbitrator appointed by the Board of Trade.'"—(*The Lord Chancellor.*)

The Marquess of Salisbury 1359
The Lord Chancellor 1360
The Marquess of Salisbury 1362

Amendment moved to the proposed Amendment—

"To leave out the word 'and' at the end of Subsection (i.), and to insert the word 'or.'"—(*The Marquess of Salisbury.*)

The Lord Chancellor 1362

On Question, original Amendment agreed to, with the omission of the word 'reasonable" in lines 3 and 4.

Drafting Amendment agreed to.

Drafting Amendments agreed to.

Clause 24, as amended, agreed to.

Clauses 25 and 26 agreed to.

Clause 27, with drafting Amendment agreed to.

Clause 28:—

The Marquess of Salisbury 1363

Amendments moved—

"In page 12, line 35, after the word 'and' to insert the words 'save as hereinafter provided.'"

"In line 39, after the word 'opposed' to insert the words 'unless the Court of Appeal shall give leave to appeal upon such condition as to costs or otherwise as they shall think just; provided that in considering any application for leave to appeal the Court of Appeal shall have regard to the interests involved in the proceedings and the financial position of the parties thereto.'"—(*The Marquess of Salisbury.*)

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The Lord Chancellor 1364
The Marquess of Salisbury 1365

Amendment, by leave, withdrawn.

Clauses 31 and 33 agreed to.

Clause 34, with consequential Amendment agreed to.

Clauses 35 to 43 agreed to.

Clause 44, with consequential Amendment, agreed to.

Clause 45 agreed to.

Clause 46, with drafting Amendments, agreed to.

Clauses 47 to 49 agreed to.

After Clause 49 :—

The Lord Chancellor 1367

Amendment moved—

> " To insert the following new clause :—' The expression " rules of the Supreme Court " shall in this Act (except in Section 28) as applying to Scotland mean Act of Sederunt ; and notwithstanding anything contained in the Patents, Designs, and Trade Marks Acts, 1883 to 1902, or in this Act, the expression " Court " in Section 16 and 17 of this Act shall, in reference to proceedings in Scotland thereunder, mean any Lord Ordinary of the Court of Session.' "—(*The Lord Chancellor.*)

On Question, Amendment agreed to.

On Question, new clause after Clause 49 agreed to.

Clause 50, with drafting Amendment, agreed to.

In the Schedule :—

Drafting Amendment agreed to.

Standing Committee negatived. The Report of Amendments to be received on Monday next, and Bill to be printed as amended. [No. 211].

Patents and Designs (Consolidation) Bill.—House in Committee (according to order).

The Earl of Granard 1366

Amendments moved *en bloc*, and agreed to.

Standing Committee negatived. The Report of Amendments to be received on Monday next

OPIUM SHOPS AND DENS IN BRITISH CONCESSIONS AND SETTLEMENTS IN CHINA.

The Lord Bishop of Southwark 1368
The Under Secretary of State for Foreign Affairs (Lord Fitzmaurice) .. 1369

Public Health (Regulations as to Food) Bill.—House in Committee (according to Order).

Clause 1 :—

Lord Allendale 1371

The Marquess of Salisbury 1360

Amendment moved—

"In page 1, line 24, after the word 'intended' to insert the words 'for sale.'"—(*Lord Allendale.*)

On Question, Amendment agreed to.

Standing Committee negatived.

Then (Standing Order No. XXXIX. having been suspended); Amendment reported. Bill read 3^a with the Amendment, and passed, and returned to the Commons.

Education (Administrative Provisions) Bill.—Bill read 3^a (according to Order) and passed 1371

Judicature (Ireland) Bill.—Bill read 3^a (according to Order) and passed.

Evicted Tenants (Ireland) Bill.—Report from the Committee of the reasons to be offered to the Commons for the Lords insisting on certain of their Amendments and disagreeing to certain of the Commons Amendments; read, and agreed to; and a message sent to the Commons to return the Bill with the Lords Amendments to the Commons Amendments; and reasons for insisting on certain of their own Amendments, and for disagreeing to certain of the Commons Amendments 1371

House adjourned at a quarter past One o'clock a.m., till Twelve o'clock noon.

HOUSE OF COMMONS: FRIDAY, 23RD AUGUST, 1907.

The House met at Twelve noon of the Clock.

ADJOURNMENT.

Resolved, That this House at its rising, this day do adjourn till Monday next.—(*Mr. Whiteley.*)

PRIVATE BILL BUSINESS.

Local Government Provisional Orders (No. 11) Bill (BY ORDER).—Lords Amendments considered, and agreed to 1372

PETITION.

WEEKLY REST-DAY BILL.—Petition from London and other places, in favour; to lie upon the Table 1372

RETURNS, REPORTS, ETC.

EDUCATION (ENGLAND AND WALES) (SMALL SCHOOLS).—Return [presented 22nd August] to be printed. [No. 330] 1372

STATISTICAL ABSTRACT (FOREIGN COUNTRIES).—Copy presented of Statistical Abstract for the principal and other Foreign Countries in each year from 1895 to 1904–5 (Thirty-third Number) [by Command]; to lie upon the Table 1372

RAILWAYS (FOREIGN COUNTRIES AND BRITISH POSSESSIONS).—Return presented, relative thereto [ordered 13th November, 1906; *Mr. Chiozza Money*]; to lie upon the Table, and to be printed. [No. 331] 1373

SUGAR.—Return presented, relative thereto [ordered 15th July; *Mr. Pike Pease*]; to lie upon the Table, and to be printed. [No. 332] 1373

MANUFACTURED GOODS, EXPORTED AND IMPORTED (UNITED KINGDOM AND GERMANY), 1882–1906.—Return presented, relative thereto [ordered 31st July; *Mr. Bonar Law*]; to lie upon the Table, and to be printed. [No. 333] 1373

SUGAR.—Return presented, relative thereto [ordered 22nd July; *Mr. Mitchell-Thomson*]; to lie upon the Table, and to be printed. [No. 334] 1373

RAILWAYS IN BRITISH PROTECTORATES, LEASED TERRITORIES AND COLONIES (OTHER THAN THE TRANSVAAL AND ORANGE RIVER COLONY) NOT POSSESSING RESPONSIBLE INSTITUTIONS.—Return presented, relative thereto [Address 2nd July, 1906; *Mr. Walker*]; to lie upon the Table 1373

GLEBE LANDS (SALES).—Return presented, relative thereto [ordered 1st July; *Sir Walter Foster*]; to lie upon the Table, and to be printed. [No. 335] .. 1373

EAST INDIA (ADVISORY AND LEGISLATIVE COUNCILS, ETC.—Copy presented, of Papers relating to an Imperial Advisory Council and Provincial Advisory Councils; the enlargement of the Legislative Councils; and the discussion of the Budgets [by Command]; to lie upon the Table 1373

TREATY SERIES (No. 25, 1907).—Copy presented, of Treaty between the United Kingdom and Panama for the Mutual Surrender of Fugitive Criminals signed at Panama, 25th August, 1906 (Ratifications exchanged at Panama, 15th April, 1907) [by Command]; to lie upon the Table 1373

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

IRISH POSTMASTERSHIPS.—Question, Mr. Field (Dublin, St. Patrick); Answer, Mr. Sydney Buxton 1374

POSTAL FACILITIES AT ARDGLASS.—Questions, Mr. J. MacVeagh (Down, S.); Answers, Mr. Sydney Buxton 1374

APPOINTMENT TO SUB-POSTMASTERSHIP OF BUTTEVANT, MALLOW. — Question, Mr. Field; Answer, Mr. Sydney Buxton 1375

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Transfer of Irish Savings Bank Work to Dublin.—Questions, Mr. Field; Answers, Mr. Sydney Buxton 1375

Irish Postal Stores.—Question, Mr. Field; Answer, Mr. Sydney Buxton .. 1376

Audit Department Officials and Political Influence.—Question, Mr. Field; Answer, Mr. Runciman 1377

Unpaid Old Transvaal Loan.—Question, Mr. Field; Answer, Mr. Runciman 1377

Secret Commissions in Naval Clothing Depot.—Question, Mr. Field; Answer, Mr. Lambert 1378

Garforth Parochial School.—Question, Mr. Carlile (Hertfordshire, St. Albans); Answer, Mr. McKenna 1378

Merionethshire School Teachers' Salaries.—Question, Lord Balcarres (Lancashire, Chorley); Answer, Mr. McKenna 1378

Medical Inspection of School Children.—Question, Sir W. J. Collins (St. Pancras, W.); Answer, Mr. McKenna 1379

Survey of Road Between Caherswarе and Cloughvooh.—Question, Mr. Boland (Kerry, S.); Answer, Mr. Birrell 1379

Indian Civil Service Examiners.—Question, Mr. C. J. O'Donnell (Newington, Walworth); Answer, Mr. Morley 1380

Purchase of the Freeman Estate, County Cavan.—Question, Mr. Samuel Young (Cavan, E.); Answer, Mr. Birrell 1380

Repayment of Loan on Portmagee Waterworks Scheme.—Question, Mr. Boland; Answer, Mr. Birrell 1381

Mr. Peter Roe and Purchase of Land at Curraghmore.—Questions, Mr. Delany (Queen's County, Ossory); Answers, Mr. Birrell 1382

Mr. Frend's Farm at Ballinamorea.—Question, Mr. William Abraham (Cork County, N.E.); Answer, Mr. Birrell 1383

Repayment to Debenture Holders in County Fermanagh under the Charitable Loan Funds Act.—Question, Mr. Fetherstonhaugh (Fermanagh, N.); Answer, Mr. Birrell 1383

Grievances of Royal Irish Constabulary.—Question, Mr. Sloan (Belfast, S.); Answer, Mr. Birrell 1384

Sale of the Fitzmaurice Estate, North Kerry.—Question, Mr. Flavin (Kerry, N.); Answer, Mr. Birrell 1384

Sale of the Estate of Mr. T. W. Sands, North Kerry.—Question, Mr. Flavin; Answer, Mr. Birrell 1384

Application of Michael Scully for Cottage.—Question, Mr. Sheehan (Cork County, Mid.); Answer, Mr. Birrell 1385

INFANTRY OFFICERS' CHARGERS.—Question, Captain Craig (Down, E.); Answer Mr. Haldane 1386

PLANNING OF VOLUNTEER CAMP AT WEST TARRING, WORTHING.—Question, Mr. Cleland (Glasgow, Bridgeton); Answer, Mr. Haldane 1386

Merchant Shipping (Tonnage Deduction for Propelling Power) Bill.—Lords Amendments to be considered upon Monday next, and to be printed. [Bill 330.]

PUBLIC ACCOUNTS COMMITTEE.

Mr. Victor Cavendish (Derbyshire, W.) 1387

Motion made, and Question proposed, "That the Report of the Public Accounts Committee be now taken into consideration."—(*Mr. Victor Cavendish.*)

Mr. Lea (St. Pancras, E.) 1393
Mr. Harold Cox (Preston) 1402
The Secretary of State for War (Mr. Haldane, Haddington) 1402
Mr. Courthope (Sussex, Rye) 1410
Mr. Brigg (Yorkshire, W.R., Keighley) 1413
Mr. Bowles (Lambeth, Norwood) 1414
The Civil Lord of the Admiralty (Mr. Lambert, Devonshire, South Molton) 1417
Mr. Morton (Sutherland) 1422
The Chancellor of the Exchequer (Mr. Asquith, Fifeshire, E.) 1425

Question put, and agreed to.

Expiring Laws Continuance Bill

Considered in Committee.

(In the Committee.)

[Mr. CALDWELL (Lanarkshire, Mid.) in the Chair.]

Mr. Everett (Suffolk, Woodbridge) 1426

Amendment proposed—

To omit from the Schedule, "The Poor Rate Exemption Act 1840."—(*Mr. Everett.*)

Question proposed, "That the words proposed to be left out stand part of the Schedule."

Mr. Asquith 1427

Amendment, by leave, withdrawn.

Mr. Lupton (Lincolnshire, Sleaford) 1427

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Amendment proposed—

" In page 5, to leave out lines 47 and 48."—(*Mr. Lupton.*)

Question proposed, " That the words proposed to be left out stand part of the Schedule."

The President of the Local Government Board (*Mr. John Burns, Battersea*) 1428

Amendment, by leave withdrawn.

Bill reported, without Amendment, read the third time, and passed.

Public Works Loans Bill.

Considered in Committee.

(In the Committee.)

[Mr. Emmott in the Chair.]

Clause 1 :—

Mr. Gretton (*Rutland*) 1428

Amendment proposed—

" In line 9, to leave out ' 3 ' and insert ' 1.' "—(*Mr. Gretton.*)

Question proposed, " That the word ' one ' stand part of the clause."

The Financial Secretary to the Treasury (*Mr. Runciman, Dewsbury*) 1428

Amendment, by leave, withdrawn.

Mr. Mooney 1430

Amendment proposed—

" To leave out the words ' Public Commissioners of Works in Ireland.' "—(*Mr. Mooney.*)

Question proposed, " That the words proposed to be left out stand part of the clause."

Mr. Rees (*Montgomery Boroughs*) 1431
Mr. Runciman 1431

Amendment, by leave, withdrawn.

Clauses 1 to 6 agreed to.

Clause 7 :—

Mr. Mooney (*Newry*) 1431
Mr. Runciman 1432

Clause agreed to.

Bill reported, without Amendment ; read a third time, and passed.

Vaccination (Scotland) Bill: [LORDS].—As amended, considered; read the third time, and passed, with Amendments 1433

Whale Fisheries (Scotland) Bill.—As amended, considered.

Mr. Bowles (Lambeth, Norwood) 1433

Amendment proposed—

"In page 1, line 6, after the word 'the,' to insert the word, primary.'"—(*Mr. Bowles.*)

Question proposed, "That the word 'primary' be there inserted in the Bill."

The Secretary for Scotland (Mr. Sinclair, Forfarshire) 1434

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 1, line 7, after the word 'other' to insert the word 'primary.'"—(*Mr. Sinclair.*)

Question, "That the word 'primary' be there inserted," put and agreed to.

Mr. Sinclair 1434

Amendment proposed—

"In page 3, line 30, to leave out the words 'holder of a licence or.'"—(*Mr. Sinclair.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Amendment agreed to

Amendment proposed—

"In page 3, line 30, to leave out the words 'employed by him.'"—(*Mr. Sinclair.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. Forster (Kent, Sevenoaks) 1435

Amendment agreed to.

Amendment proposed—

"In page 3, line 32, to leave out the word 'or' and insert the words 'and no holder of a licence or persons employed by him shall pursue, kill, or shoot at any whale."'—(*Mr. Sinclair.*)

Question proposed, "That the word 'or' stand part."

Question put, and negatived

Bill read the third time, and passed.

Notification of Births Bill.—As amended (by the Standing Committee), considered.

Mr. Bertram (Hertfordshire, Hitchin) .. 1435

Mr. A. L. Lever (Essex, Harwich) .. 1437

Mr. Bertram .. 1437

Amendment proposed—

"In page 1, line 11, to leave out from the word 'occurrence' to the word 'to,' in line 13.'"—(*Mr. Bertram.*)

Question proposed, "That the words 'and of any person' stand part of the Bill.'"

The Parliamentary Secretary to the Local Government Board (Dr. Macnamara, Camberwell, N.) .. 1439

Mr. Adkins (Lancashire, Middleton) .. 1439

The President of the Local Government Board (Mr. John Burns, Battersea) .. 1440

Mr. Lupton .. 1442

Mr. Radford (Islington, E.) .. 1443

Amendment negatived.

Lord R. Cecil (Marylebone, E.) .. 1444

Amendment proposed—

"In page 1, line 12, after the word 'person,' to insert the words 'other than a medical practitioner.'"—(*Lord R. Cecil.*)

Question proposed, "That those words be there inserted."

Mr. John Burns .. 1444

Mr. Essex (Gloucestershire, Cirencester) .. 1445

Mr. Radford .. 1445

Mr. Bertram .. 1445

Mr. Lupton .. 1446

Dr. Cooper (Southwark, Bermondsey) .. 1446

Mr. Sherwell (Huddersfield) .. 1448

Mr. Rowlands (Kent, Dartford) .. 1449

Mr. Seddon (Lancashire, Newton) .. 1449

Mr. Byles (Salford, N.) .. 1449

Mr. Bowles .. 1450

Mr. Alden (Middlesex, Tottenham) .. 1450

Dr. Macnamara .. 1450

Mr. Corrie Grant (Warwickshire, Rugby) .. 1451

Lord R. Cecil .. 1451

Mr. John Burns 1452
Mr. Verney (Buckinghamshire, N.) 1453
Mr. Masterman (West Ham, N.) 1454

Question put.

The House divided :—Ayes, 19 ; Noes, 87. (Division List No. 458.)

Mr. Lupton 1455

Amendment proposed—

"In page 2, line 13, after the word 'adopted,' to insert the words 'or other person, such other person paying sixpence for each search.'" —(*Mr. Lupton.*)

Question proposed, "That those words be there inserted."

Mr. John Burns 1458

Question put, and negatived.

Mr. Bertram 1458

Amendment proposed—

"In page 2, line 18, at the end, to insert the words 'but any notification of birth or stillbirth given by a midwife to the medical officer of health of the local supervising authority under the Midwives Act, 1902, in compliance with such last-mentioned Act or any rules made thereunder shall be deemed to be a compliance with the requirements of this section, and, if so given within thirty-six hours of birth, shall be deemed to be a compliance with this Act, and particulars of such notification shall be forthwith transmitted by such medical officer to the medical officer of health of the district in which the birth or still-birth has occurred."—(*Mr. Bertram.*)

Question proposed, "That those words be there inserted."

Dr. Macnamara 1459
Dr. Cooper 1459

Question put, and negatived

Amendment proposed—

"In page 2, lines 19 and 20, to leave out the words 'still-born children as well as to children born alive,' and insert the words, 'any child which has issued forth from its mother after the expiration of the twenty-eighth week of pregnancy, whether alive or dead.'"—(*Mr. John Burns.*)

Amendment agreed to.

Mr. Lupton 1460
Mr. Bertram 1460

Amendment proposed—

"In page 2, line 38, to leave out from the first word 'the' to end of clause, and insert the words 'authority for the time being exercising or established for the exercise of the powers of the local supervising authority conferred by Section eight of the Midwives Act, 1902.'"—(*Mr. Bertram.*)

Question proposed, "That the words 'council of a' stand part of the clause."

Dr. Macnamara 1461

Amendment negatived.

Mr. Radford 1461

Amendment proposed—

"In page 2, line 38, after the words 'council of a' to insert the words 'county and the council of a'"—(*Mr. Radford.*)

Question proposed, "That those words be there inserted."

Dr. Cooper 1462
Mr. John Burns 1462

Question put, and negatived.

Amendment proposed—

"At end of Subsection 4 to add the words 'and the council of a county, other than the county of London, may adopt the Act either for the whole of the county or for a district therein.'"—(*Mr. Adkins.*)

Question proposed, "That those words be there added."

Dr. Cooper 1463

Amendment proposed—

"In page 2, line 41, at the end, to add the words 'in London the medical officer of health of every Metropolitan borough (including the City of London in which this Act is in force for the time being) shall send weekly to the London County Council, in a form prescribed by the Local Government Board, a list of all notices of birth received by him under this Act during the past week.'"—(*Dr. Cooper.*)

Question, "That those words be there inserted," put, and agreed to.

Question put, and agreed to.

Bill re-committed to a Committee of the whole House in respect of an Amendment to Clause 2.—(*Mr. Adkins.*)

Bill considered in Committee.

(In the Committee.)

[Mr. Caldwell (Lanarkshire, Mid.) in the Chair.]

Amendment proposed—

> "In page 2, line 41, at the end, to add the words, 'and the council of a county (other than the county of London) who may adopt the Act either for their whole county or for any county district therein. Provided that (*a*) where the Act is adopted by the council of a county, the county medical officer of health shall be substituted for the medical officer of health of the district, and the expenses of the execution of the Act shall be paid as general county expenses, or special county expenses as the case requires ; and (*b*) if, where the Act has been adopted by the council of a county for any county district, the council of the district, or where the Act has been adopted by the council of a county district for their district, the council of the county, subsequently apply to the Local Government Board to be made the authority for the purposes of this Act, the Board may, if they think fit, make an order declaring that the Act shall take effect as if it had been adopted by the council of the county, or by the council of the county, instead of by the council of the county district as the case may be, and on any such order being made the Act shall take effect in accordance with the order.' "—(*Mr. Adkins.*)

Question, "That those words be there inserted," put, and agreed to.

Bill reported, with an Amendment.

Bill, as amended, on recommittal, considered.

The Parliamentary Secretary to the Treasury (*Mr. George Whiteley, Yorkshire, W.R., Pudsey*) 1464

Motion made, and Question proposed, "That the Bill be now read a third time."

Dr. Cooper 1465
Mr. Lupton 1466
Mr. Adkins 1467
Mr. John Burns 1468

Question put, and agreed to.

Bill read the third time, and passed.

Whereupon Mr. SPEAKER, pursuant to the Order of the House of the 26th day of July last, adjourned the House without Question put.

Adjourned at twenty-five minutes after Seven o'clock till Monday next.

HOUSE OF LORDS: SATURDAY, 24TH AUGUST, 1907.

RETURNS, REPORTS, ETC.

TRADE REPORTS (ANNUAL SERIES).

No. 3907. China (Chungking).

No. 3908. France (Lyons, St. Etienne, and Grenoble).

Presented (by Command), and ordered to lie on the Table.

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Qualification of Women (County and Borough Councils) Bill [H.L.]—Order of the Day read for the consideration of the Commons Amendment.

Moved, "That this Amendment be considered."—(*The Earl of Crewe.*)

Lord Balfour of Burleigh 1469
The Lord President of the Council (*The Earl of Crewe*) 1469

On Question, Motion agreed to.

The Earl of Crewe 1470

Moved, "That this House does not insist upon its Amendment."—(*The Earl of Crewe.*)

The Earl of Camperdown 1470
Lord Balfour of Burleigh 1472
The Marquess of Lansdowne 1472

On Question, Motion agreed to.

Moved, "That the Commons Amendment be agreed to."—(*The Earl of Crewe.*)

On Question. Motion agreed to.

Small Holdings and Allotments Bill—Amendments reported (according to order.)

The Earl of Camperdown 1473
The Duke of Richmond and Gordon 1473
Viscount St. Aldwyn 1474
The President of the Board of Agriculture and Fisheries (*Earl Carrington*) 1475
The Marquess of Lansdowne 1475
Viscount St. Aldwyn 1476

Amendment moved—

"In page 1, line 25, after the word 'counties,' to insert the words 'or would be a demand if suitable land was available.'"—(*Viscount St. Aldwyn.*)

Earl Carrington 1477

On Question, Amendment agreed to.

Consequential, Amendment agreed to.

Viscount St. Aldwyn 1477

Amendment moved—

"In page 2, line 4, after the word 'then' to add the words 'and take such other steps as they think necessary.'"—(*Viscount St. Aldwyn.*)

On Question, Amendment agreed to.

The Earl of Camperdown 1478

Drafting Amendments agreed to.

Viscount St. Aldwyn 1478

Amendment moved—

"In page 3, line 5, to leave out the word 'localities' and to insert the words 'parishes or group of parishes.'"—(*Viscount St. Aldwyn.*)

Earl Carrington 1478

Amendment, by leave, withdrawn.

Earl Carrington 1479

Amendment moved—

"In page 4, line 5, after the word 'settle' to insert the words 'and confirm'; and in line 7 to leave out the words 'and may confirm.'"—(*Earl Carrington.*)

On Question, Amendment agreed to.

Viscount St. Aldwyn 1479

Amendment moved—

"In page 4, lines 14 to 21, to leave out Subsection (2)."—(*Viscount St. Aldwyn.*)

Earl Carrington 1482
The Earl of Onslow 1482

On Question, Amendment agreed to

Amendment moved—

"In page 5, line 11, to leave out from the word 'land' to the end of the clause, and to insert the following new subsection:—'(3) No land shall be acquired by a county council without their county except with the consent of the council of the county in which such land is situate, provided that any county council aggrieved by a refusal to give such consent may appeal to the Board, and the Board shall have power finally to determine all questions arising under this subsection and to settle the terms of arrangement (if any) between the county councils of their respective counties.'"—(*The Earl of Onslow.*)

Earl Carrington 1483

On Question, Amendment agreed to.

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Amendment moved—

> "In page 5, line 18, after the first word 'for' to insert the words 'selling off' and after the word 'and' to insert the words 'sold or.'"—(*The Earl of Plymouth.*)

On Question, Amendment agreed to.

Viscount St. Aldwyn 1484
Earl Carrington 1484

Amendment moved—

> "In page 12, line 27, after the word 'acquired' to insert the words 'and every such order shall, if so required by the owner of the land to be acquired, provide for the creation of such new easements as are reasonably necessary to secure the continued use and enjoyment by such owner and his tenants of all means of access, drainage, water supply, and other similar conveniences theretofore used or enjoyed by them over the land to be acquired; provided that, notwithstanding anything contained in this subsection, no new easement created by or in pursuance of such order over land hired by a council shall continue beyond the determination of such hiring.'"—(*Earl Carrington.*)

The Duke of Richmond and Gordon 1485

On Question, Amendment agreed to.

Consequential Amendment agreed to.

The Earl of Onslow 1485

Amendment moved—

> "In page 14, line 5, after the word 'tenancy' to insert the following new subsection:—'(2) Within three months after the receipt of the notice mentioned in Subsection (1) of this section, the landlord may, by notice in writing, require the council to purchase the land and thereupon the council may purchase the land as if they had obtained an order authorising them to purchase the land, and had served upon the landlord a notice to treat in respect thereof, provided that, upon receipt by the council of such notice from the landlord, the notice to renew the tenancy shall cease to be effective, and if within six months thereafter the council do not purchase the land, such land shall not thereafter be authorised by any order under this Act to be hired compulsorily by the council which has failed or refused to purchase under the provisions of this subsection.'"—(*The Earl of Onslow.*)

Earl Carrington 1486
Lord Balour of Burleigh 1487

Amendment, by leave, withdrawn.

Lord Barnard 1487

Amendment moved—

"In page 15, lines 27 and 28 to leave out the words 'authorised by an order under this Act to be'; and in line 28, after the word 'compulsorily' to insert the words 'under this Act.'"—(*Lord Barnard.*)

The Lord Chancellor 1487

On Question, Amendment agreed to.

Drafting Amendment agreed to.

The Earl of Camperdown 1488

Amendment moved—

"In page 15, line 31, after the first 'or' to insert the word 'which' and after the word 'woodland' to insert the words 'not wholly surrounded by land acquired by a council under this Act.'"—(*The Earl of Camperdown.*)

Lord Barnard 1489

On Question, Amendment agreed to.

The Earl of Verulam 1489

Amendment moved—

"In page 15, line 34, after the word 'undertaking,' to insert the words 'or includes the site of any monument or place of historical or archæological interest.'"—(*The Earl of Verulam.*)

Earl Carrington 1489
The Marquess of Salisbury 1489

On Question, Amendment agreed to.

Consequential Amendment agreed to.

Lord Hylton 1490

Amendment moved—

"In page 16, line 40, to leave out the words 'to the satisfaction of the Board.'"—(*Lord Hylton.*)

Earl Carrington 1491
The Marquess of Lansdowne 1492

Amendment, by leave, withdrawn.

Lord Hylton 1492

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Amendment moved—

"In page 17, line 5, to leave out the word 'twelve,' and to insert the word 'six.'"—(*Lord Hylton.*)

Earl Carrington 1492
Lord Clinton 1493
Viscount St. Aldwyn 1493
Lord Hylton 1493

On Question, Amendment negatived.

Viscount St. Aldwyn 1493

Amendment moved—

"In page 17, line 10, after the word 'Board' to insert the following subsection: 'Where the land has been hired compulsorily by the Commissioners acting in default of a county council, any question as to the right of the landlord to resume possession of the land or any part thereof under this section shall be determined by an arbitrator appointed by the Lord Chief Justice of England.'"—(*Viscount St. Aldwyn.*)

Lord Kenyon 1494

Amendment moved—

"In page 19, line 37, to leave out the words 'any society' and to insert the words 'any such society as is mentioned in Subsection (4) of this section.'"—(*Lord Kenyon.*)

Earl Carrington 1494

On Question, Amendment agreed to.

Earl Carrington 1494

Amendment moved—

"In page 19, line 41, to leave out the words 'give guarantees or,' and in page 20, line 1, after the word 'society,' to insert the words 'or guarantee advances made to the society.'"—(*Earl Carrington.*)

On Question, Amendment agreed to.

Lord Robertson 1495

Amendment moved—

"In page 21, line 2, after the word 'Act,' to insert the words 'and subject to the provisions of Subsection (2) of this section.'"—(*Lord Robertson.*)

The Lord Chancellor 1496
Viscount St. Aldwyn 1497

On Question, Amendment negatived.

Amendment moved—

"In page 22, line 15, after the word 'by,' to insert the word 'registered.'"

On Question, Amendment agreed to.

Lord Barnard 1497

Amendment moved—

"In the first Schedule, page 24, lines 23 to 29, leave out paragraph (1)."—(*Lord Barnard.*)

The Lord Chancellor 1498
Lord Robertson 1499

Amendment, by leave, withdrawn.

Earl Carrington 1499

Amendment moved—

"In the first Schedule, page 25, line 2, after the word 'not' to insert the words 'except with the consent of the landlord.'"—(*Earl Carrington.*)

The Earl of Camperdown 1500

On Question, Amendment agreed to.

Consequential Amendment agreed to

Viscount St. Aldwyn 1500

Amendment moved—

"In page 24, line 33, to omit the words 'to insure to pay all taxes, rates and charges usually borne by the tenant.'"—(*Viscount St. Aldwyn.*)

On Question, Amendment agreed to.

Amendment moved—

"In page 24, line 34, to omit the words '(unless otherwise agreed) to keep the buildings in repair and.'"—(*Viscount St. Aldwyn.*)

On Question, Amendment agreed to.

Amendment moved—

"In page 24, line 40, after the word 'aforesaid' to insert the words 'and (unless otherwise agreed) to pay all taxes, rates, and charges usually borne by tenants, to insure the buildings and keep the buildings and premises demised in repair.'"—(*Viscount St. Aldwyn.*)

On Question, Amendment agreed to.

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Viscount St. Aldwyn 1501

Amendment moved—

"In the first Schedule, page 25, line 6, after the word 'allotments' to insert the words 'for which proper compensation shall be paid to the landlord.'"—(*Viscount St. Aldwyn.*)

Earl Carrington 1501

On Question, Amendment agreed to.

Lord Clinton 1502
The Lord Chancellor 1502

On Question, Amendment agreed to.

Then (Standing Order No. XXXIX. having been suspended),

Moved, "That the Bill be now read 3a."—(*Earl Carrington.*)

The Marquess of Lansdowne 1502
The Earl of Feversham 1505
The Lord Privy Seal (The Marquess of Ripon) 1507

Question put, and agreed to.

Bill read 3a, with the Amendments.

Viscount St. Aldwyn 1511

On Question, Amendment agreed to.

Bill passed, and returned to the Commons, and to be printed, as amended. (No. 212.)

Cabs and Stage Carriages (London) Bill [SECOND READING].—Order of the day for the Second Reading read.

Earl Beauchamp 1511

Moved, "That the Bill be now read 2a."—(*Earl Beauchamp.*)

The Duke of Northumberland 1514
Lord Stalbridge 1515
Lord Balfour of Burleigh 1516

Question put, and agreed to.

Bill read 2a accordingly, and committed to Committee of the Whole House on Monday next.

Factory and Workshops Bill [H.L.].—Order of the day for the consideration of the Commons' Amendments read.

Earl Beauchamp 1516

Moved, "That the Commons Amendments be now considered."—(*Earl Beauchamp.*)

On Question, Motion agreed to.

Earl Beauchamp 1517
The Lord Bishop of London 1518

On Question, "That the House agree to the Commons Amendments down to page 2, line 22," Motion agreed to.

Lord Dumboyne 1518

Moved, "That this House doth disagree with Commons Amendments to leave out Paragraph (*d*) and insert new paragraph in place thereof." (*Lord Dunboyne.*)

Lord Balfour of Burleigh 1519
The Duke of Norfolk 1520
The Marquess of Salisbury 1521
Lord Clifford of Chudleigh 1524
Viscount Halifax 1525
Earl Beauchamp 1526
The Marquess of Lansdowne 1526

Commons Amendment agreed to.

Employers' Liability Insurance Companies Bill [Second Reading].—Order of the Day for the Second Reading read.

The Earl of Granard 1527

Read 2ª (according to Order), and committed to a Committee of the Whole House on Monday next.

Notification of Births Bill [Second Reading].—Order of the Day for the Second Reading read.

Lord Allendale 1528

Moved, "That the Bill be now read 2ª."—(*Lord Allendale.*)

The Marquess of Lansdowne 1530
Lord Allendale 1530
The Marquess of Ripon 1531

On Question, further debate adjourned to Monday next.

Companies Bill [H.L.].—Order of the Day, for the consideration of the Commons Amendment, read.

Moved, "That the Commons Amendments be considered."—(*Earl of Granard.*)

On Question, Motion agreed to.

The Earl of Granard 1532

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Moved, "That the Commons Amendments be agreed to."—(*The Earl of Granard.*)

The Marquess of Salisbury 1532
Lord Balfour of Burleigh 1533
The Lord Chancellor 1533

On Question, Commons Amendments agreed to.

Vaccination (Scotland) Bill [H.L.].—Commons Amendments considered (according to Order).

Lord Hamilton of Dalzell 1534

Moved, "That the House do agree with the Commons Amendments."—(*Lord Hamilton of Dalzell.*)

On Question, Motion agreed to.

House adjourned at ten minutes before Four o'clock, to Monday next, at a quarter past Four o'clock.

END OF TABLE OF CONTENTS TO VOL. CLXXXI.

VOLUME CLXXXI.

ERRATA.

In Col. 756, line 51, *should read* "Council were bound by the report of the Commissioners subject to any modifications introduced by the Board, &c."

In Col. 794, line 34, *should read* "of the President had been wrong."

LORD BELPER said that the answer, &c., &c. (the remainder of the speech having been made by Lord Belper).

In Col. 804, line 55, *for* "hiring" *read* "compulsory purchase."

In Col. 805, line 9, *omit* "and hiring."

In Col. 837–8, after the first reply by Mr. Lambert, *insert* :—

"MR. CLAUDE HAY : Then why did the hon. Gentleman refer me on August 6th to information which he knew was not available to Members of this House ?"

In Col. 929, line 4, *should read* "encouraging unsatisfactory mutual associations. Every"

In Col. 1061, line 8, this Question was not asked by the Earl of Powis.

THE

PARLIAMENTARY DEBATES

(*AUTHORISED EDITION*)

IN THE

SECOND SESSION OF THE *TWENTY-EIGHTH PARLIAMENT* OF THE UNITED
KINGDOM OF *GREAT BRITAIN* AND *IRELAND*, APPOINTED TO MEET
THE TWELFTH DAY OF FEBRUARY IN THE SEVENTH YEAR OF THE
REIGN OF

HIS MAJESTY KING EDWARD VII.

THIRTEENTH VOLUME OF SESSION 1907.

An Asterisk (*) at the commencement of a Speech indicates revision by the Member.

HOUSE OF LORDS.

Monday, 19*th August*, 1907.

PRIVATE BILL BUSINESS.

London County Council (General Powers) Bill.—Read 3^{a}, with the Amendments; and passed, and returned to the Commons.

Butter and Margarine Bill; North Staffordshire Railway Bill; Armagh Urban District Council Bill.—Returned from the Commons, with the Amendments agreed to.

Lanarkshire County Council Provisional Order Confirmation Bill [H.L.]. A Bill to confirm a Provisional Order relating to Lanarkshire County Council. Was presented by the Lord Hamilton of Dalzell; read 1^{a}; to be printed; and (pursuant to the Private Legislation Procedure (Scotland) Act, 1899, section 7) deemed to have been read 2^{a}, and reported from the Committee; Bill to be read 3^{a} to-morrow. (No. 184.)

Caledonian Railway Order Confirmation Bill; Kilmarnock Corporation Water Order Confirmation Bill.—To be read 3^{a} on Wednesday next.

PETITIONS.

SMALL HOLDINGS AND ALLOTMENTS BILL.

Petition for amendment of; of Hertfordshire County Council; read, and ordered to lie on the Table.

SMALL HOLDINGS AND ALLOTMENTS BILL.

Petition against; of J. C. Routh; read, and ordered to lie on the Table.

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.

Petitions against of persons signing (3); read, and ordered to lie on the Table.

BUTTER AND MARGARINE BILL.

Petition to be heard by counsel for Amendment of; of persons signing; read, and ordered to lie on the Table.

RETURNS, REPORTS, ETC.

PRISONS (IRELAND).

Twenty-ninth Report of the General Prisons Board for Ireland, 1906–1907.

NATIONAL EDUCATION (IRELAND).

Annual Report of the Commissioners for the year 1906–1907.

DUBLIN HOSPITALS.

Forty-ninth Report of the Board of Superintendence of the Dublin Hospitals, with Appendices, for the year 1906–1907.

EVICTIONS (IRELAND).

Return of evictions in Ireland for the quarter ended 30th June, 1907.

IRISH LAND COMMISSION (PROCEEDINGS).

Return for the months of March, April, May, and June, 1907.

CUSTOMS.

Fifty-first Report of the Commissioners of His Majesty's Customs for the year ended 31st March, 1907.

Presented (by Command), and ordered to lie on the Table.

PUBLIC WORKS LOANS ACT, 1875.

Further regulations made by the Public Works Loan Commissioners. Laid before the House (pursuant to Act), and ordered to lie on the Table.

HISTORICAL MANUSCRIPTS COMMISSION.

Return respecting. Laid before the House (pursuant to Address of the 17th of April last), and to be printed. (No. 182.)

ECCLESIASTICAL COMMISSIONERS (CHURCH BUILDING).

Return respecting. Laid before the House (pursuant to Address of the 22nd of July last), and to be printed. (No. 183.)

NAVY (CANTEEN AND VICTUALLING ARRANGEMENTS).

Report of the Committee appointed to inquire into the question of the canteen and victualling arrangements in His Majesty's Fleet.

TRADE REPORTS: ANNUAL SERIES.

No. 3903. China (Changsha).
No. 3904. France (Martinique).
No. 3905. Western Pacific (Samoa)
No. 3906. Sweden (Gottenburg).

MERCHANT SHIPPING (LOSS OF LIFE).

Return showing the lives lost by wreck, drowning, or other accident in British sea-going merchant ships registered in the United Kingdom during the years 1891 to 1906 inclusive (in continuation of Parliamentary Paper [Cd. 3139.])

NIGERIA AND LICENSING LAWS.

*THE LORD ARCHBISHOP OF CANTERBURY: My Lords, I rise to ask the Secretary of State for the Colonies whether he is in a position to give further information respecting the operation of the laws affecting the importation and sale of liquor in Southern Nigeria. Your Lordships will remember that this subject has been more than once before the House; and on the last occasion I understood myself from the noble Earl, and I found that many others outside also understood, that the matter was in a somewhat different position from that in which we find it to stand when we look again into the existing facts. What was said to us was in general terms something like this—The sale of liquor is most carefully restricted in Southern Nigeria, and you are mistaken in supposing that a man can sell it without obtaining a licence. Now, my Lords, I find, on looking into the matter, that, although there is a rule existing that licences must be held by the sellers of liquor in Lagos and in certain other parts of that huge territory, yet in the most populous regions of the non-seabord part of the Colony, where it most matters, no licence is at present necessary, the sale of liquor is immense, and difficulties arise practically every day in consequence. I am anxious to ask the noble Earl to tell us how the question of licence legally stands at this moment. The next point is that we have been informed, by an answer given in another place, that a railway is now to be constructed in Northern Nigeria, where the sale of liquor is prohibited; and I want to know whether the introduction of the railway will interfere with the arrangements now made whereby that prohibition is practically in force. Next, I wish to know what the noble Earl can now tell us as to a matter on which he foreshadowed information when he spoke on the last occasion—namely, the possibility of what he called a buffer zone between the region of Northern Nigeria, where no liquor can be sold, and Southern Nigeria, where it can be sold under restrictions.

*THE SECRETARY OF STATE FOR THE COLONIES (The Earl of ELGIN): My Lords, after the debate in February to which the most rev. Primate has alluded I had some correspondence with him, and he was good enough to postpone the Question which he then wished to renew until I had further communicated with the Colony. I will endeavour, in the shortest possible way, to give him that information. The Colony of South Nigeria consists of three provinces, which are called the Western, the Central, and the Eastern. The Western Province consists of the old Colony and Protectorate of Lagos; the Eastern and Central Provinces are the old Protectorate of Southern Nigeria. There is liquor legislation in all three.

In the Western Province the law in force is called the Lagos Ordinance of 1893, and it requires that a licence should be taken out by anyone who wishes to sell liquor. It is, however, quite true, as the most rev. Primate has said, that this law at present is only applied in the Colony as distinguished from the Protectorate of Lagos. I will give the reasons for that in a moment. In the Eastern and Central Provinces the law in force is the Southern Nigeria Proclamation of 1901. The terms of that Proclamation are practically the same as those of the Lagos Ordinance. It is applied in specified towns and districts, and therefore, of course, I am quite prepared to admit that the contention of the most rev. Primate is so far justified in that it would not be correct to say that these laws prevail throughout all the country. But the reason for that is, I think, pretty obvious.

It is the principle to bring the law into force wherever there are European settlements and European officers and stations, and, therefore, the possibility of European supervision. It is held very strongly by the officers of the Colony that an inoperative law would be worse than none at all. If it were nominally in force everywhere—and, of course, by a stroke of the pen we could bring that into effect—it could not be enforced everywhere, and the contention is that that would give rise to a great deal of oppression and possibly corruption, and might even sap respect for the law where it is now applied and can be enforced. At the same time the most rev. Primate will, I am sure, believe me when I say that it is the policy of the Government to extend these licence laws so far as it is at all possible. To define a little how far the law applies, I may say that in the Eastern and Central districts it is in force in all the principal trade centres where there are European stations. It is also in force along the course of the Niger for a distance, I think, of a mile in width along the banks, and also along the principal mouths of the river.

In the Western Province the law applies, as I have said, chiefly to the district of Lagos near the coast, including the large town of Lagos itself. With regard to the large towns of Ibadan and Abeokuta, it has not been enforced there for the reason that these districts claim a certain amount of independence by the treaties which we have made with them. I do not know the details. but it strikes me that they are somewhat in the position of Indian Native States; and we should certainly not, in that case, have introduced into a Native State the liquor laws of British India. I believe that it might be possible to carry out arrangements with the Governments of these districts to introduce these laws, but I should not like to pledge myself to that without consideration, and without knowing that proper supervision could be introduced. The most rev. Primate may, perhaps, like to know that it has been possible to go so far in the direction which he advocates that there is a tax of 9d. a gallon on all spirits which are brought into these towns and districts, in addition to the heavy import licence duty which is imposed at the coast.

I must admit that in the course of my inquiries into the matter I have come across another Proclamation—the Proclamation of Southern Nigeria of 1902, which does throw a little more light upon what possibly gave rise to the most rev. Primate's difficulty. I find that this Proclamation exempted from the provisions of the Licence Ordinance what are called native export produce markets. I understand that those are places when the cultivator hands over his produce to the native middlemen or native agents of the European merchants, and he receives in return from them goods imported and carried to these markets from the stores of the European merchants. I have no doubt at all that spirits are included. It must be remembered, of course, that on these spirits the European importer has had to take out a licence, but I admit that the native agent who sells them to the cultivator has no licence. I will say, frankly, that I am not quite satisfied that this is right, but the difficulties are considerable, and, if the most rev. Primate will allow me, I should like to consult further with the Governor, who is now home on leave, before I commit myself as to what ought to be done on that point.

The most rev. Primate also drew attention, not only on the last occasion but also on a previous one, to some reports which he had received of the erection of iron sheds in connection with the railway stations for the reception of liquor. I have made some inquiries into that matter. I find that at these two towns, Abeokuta and Ibadan, there are two firms who have erected large iron sheds. These sheds are not only for liquor, though, no doubt, liquor is included among the stores; they are for the general stores in which these firms deal, and I do not quite see how we can prevent traders from having places of this kind in connection with the railways. But it may be a satisfaction to the most rev. Primate if I mention that the importation of spirits by the railway was no fewer than 200,000 gallons less in 1906 than it was in 1904, although the importation into the Colony as a whole had not decreased. I think that goes to some extent to show that the railway is not so prolific an agent in spreading the trade in spirits as has been alleged.

Passing to the question of Northern Nigeria, of which the most rev. Primate has spoken, I have to assure him, as I did before, that we are entirely resolved to maintain the zone of prohibition; that is to say, that imported spirits are forbidden for natives. Even the gift of spirits to natives is subject to a considerable penalty. It must, of course, be remembered that the sale to Europeans is legal, but it must be under licence; and it must also be remembered that we have never interfered—and I do not see how we could interfere—with the sale of native liquor made by the natives, though even in that case there are provisions regulating its sale in cantonments and stations. With regard to the railways, I have to make this explanation. As now arranged, two railways are contemplated in Nigeria. One of them is a railway in Northern Nigeria alone, and therefore entirely within the zone of prohibition. It ends at Baro on the Niger, a distance of some eighty miles from the frontier of Southern Nigeria. In Northern Nigeria I understand that the Niger is already patrolled to prevent the importation of spirits, and it has been suggested that the river should be patrolled in Southern Nigeria for, say, a distance of twenty-five miles inside the frontier as an assistance to the efforts of Northern Nigeria. But I think it would be taken that that railway, at any rate, cannot in any sense be of much assistance in the introduction of spirits.

The other railway is an extension of the line from Lagos. It is at this moment just entering that part of Northern Nigeria which lies south of the Niger. It will, of course, eventually cross the Niger itself. The suggestion with regard to that railway would, I think, carry out completely the idea of the buffer zone to which the most rev. Primate has alluded. It is suggested that the rates should be raised from Ibadan to Oshogbo and that from Oshogbo onwards—that is to say, for twenty-five miles south of the frontier—the prohibition should be absolute. I do not wish to pledge myself literally to the adoption of these particular recommendations, but I may say frankly that I think they deserve every consideration. If possible, I should hope to see them in operation, and I think if they were put in operation they would meet the object of the most rev. Primate.

I hope the most rev. Primate will see that we have a policy for the restriction of this traffic, and that he will not refuse to admit its merits even if we appear to proceed with what he may think undue caution in enforcing the restrictions. After all, the regions which we have to administer are very large and the force at our disposal is very small, and I venture to put it that it would be suicidal to be in a hurry. But at any rate I can assure the most rev. Primate that we are sincere in desiring to do all we can to keep within full restriction the traffic to which he has referred.

LONDON TRAFFIC.

LORD RIBBLESDALE: My Lords, I rise to ask His Majesty's Government what duties are to be attached to the special branch of the Board of Trade recently constituted for the purpose of dealing with matters relating to London traffic; and whether it is intended that this branch of the Board of Trade is to be entrusted with any and which of the functions which the Report of the Royal Commission on London Traffic recommended should be vested in a Traffic Board; and to move for Papers.

In view of the important Bill to come before your Lordships to-night, I will endeavour to be as short as possible in my observations. But I desire to put certain considerations before your Lordships to show the cramping limits which at present exist on the effectiveness of the new branch of the Board of Trade and of the new Traffic Commissioner recently appointed to take up the duties which were recommended should be taken up by a Traffic Board in the Report of the Royal Commission on London Traffic. There have been several excellent and well-informed articles on this subject during the last week in the Press, notably in *The Times*, the *Morning Post*, and the *Daily Mail*; and I think the considerations which have been treated in the Press should be stated in Parliament and Ministers should be pressed for a reply, more especially in view of the exceeding sparse and shadowy Answer given in another place last week to a Question asked on this subject by Sir John Dickson-Poynder.

There is, I believe, general agreement on the importance of the traffic question to the community, and since the Commission sat there has been a growing agreement that the housing question and the traffic question are inextricably bound up. I was delighted the other day to see that, though they have taken some little time to say anything of that sort about it, the Government appear to have come to the same conclusion, because on Saturday, 22nd June, on the occasion of the opening of the Hampstead Tube, the President of the Board of Trade, after observing that some surprise had been expressed that nothing had been done, declared that—

> "The Government were considering the matter with a view to action, and probably immediate action. They were alive, not merely to the importance, but to the urgency of the question. Something would have to be done in order to co-ordinate all the means of coping with the traffic difficulty of London."

That is a straightforward, businesslike statement, and all the people who were interested in traffic and in housing were highly pleased. Very soon after that—on 1st July—Mr. Charles Booth introduced a deputation to the London County Council, of which I was a member. We were to see the General Purposes Committee, but we were told, on arrival, that the Press were excluded. Disappointed, but undeterred, we made our speeches just the same to the austere General Purposes Committee, and the outcome was that the London County Council in full session held two debates on the question whether or not the Government should be memorialised by the council to appoint a Traffic Board on the lines of the Report of the Royal Commission. The debate was adjourned on the first night, and when it was resumed the Council by, roughly, seventy votes to thirty, decided to form a deputation to wait upon the Prime Minister and urge the appointment of a Traffic Board on those lines.

We have heard no more of the deputation—at least, I have heard no more of it—but a fortnight ago we saw what the Government's action was to be in view of the urgency upon which so much stress was laid by Mr. Lloyd-George on the breezy uplands of Hampstead Heath. How does it satisfy the Royal Commission's recommendations as to the powers and duties of the Traffic Board? The powers were to be powers of advice, powers of supervision, and powers of mediation. How far can the new Traffic Commissioner—and I may say that I am glad that Sir Herbert Jekyll, who starts with considerable knowledge of the subject, has been appointed to this post—with the best intentions in the world, exercise, under existing conditions, the powers and duties which we proposed should be vested in a Traffic Board? There is evidently to be no legislation. Most of us will appreciate that at this time of the year there can be none, and apparently most of next session is heavily mortgaged. I assume, therefore, there is to be no legislation, and, failing some quite unrevealed powers to reside at present in the Board of Trade, their statutory powers are quite inadequate to enable them to deal with the question of London traffic.

I will assume, first, that the Traffic Commissioner and this new branch are to do something for the public convenience in an advisory capacity. The advisory capacity of the Board recommended by the Royal Commission was to comprise two things. They were to watch private Bills dealing with traffic of all kinds which came before Parliament, and they were also to report to Parliament each year as to the then conditions of traffic. I will take the latter of those first. Consider what the Traffic Commission's Report was. We surveyed the world from New York to Budapest, and from China to Peru, and dealt with traffic conditions all over the universe. If the Commissioner is to bring that up to date and make a Report to Parliament containing the kind of suggestions we gave and the plan we drew, I am at a loss to know how he can do it unless he is furnished with an expert staff.

I will take the concrete case, which is much more important, of Bills before Parliament. At present the Board of Trade have no powers to prosecute Parliamentary inquiries or to exact information from promoters as regards traction schemes, except as to the level crossings of an ordinary railway. Only in the case of railways and tramways are they entitled to plans and sections, but, even then, they have no right to other particulars. Thus the Board of Trade would not be entitled to plans and sections of a new motor road, however much that engine might be out of harmony with the existing conditions of traffic. Therefore in that most important point this new Commissioner and the new branch of the Board of Trade would be absolutely helpless. There is only one way out of that—namely, by the amendment of the Standing Orders. I fancy that if you amended Standing Orders Nos. 27 and 33, and possibly some others which might be consequential, a good deal might be done; but I do not know whether that is contemplated. If it is, I quite admit that it is a leisurely step in advance. But that only gives the new Commissioner a *locus* in schemes before Parliament.

What about schemes that are not before Parliament? I will take the case of new roads, new streets, new widenings, or, for instance, what was done in Oxford Street after the Commission had reported that it was a mistake to do that sort of thing — namely, the erecting of large electric standards down the middle of a thoroughfare. Those are the sort of things of which it is most essential there should be that co-ordination to which Mr. Lloyd-George referred. At present parties interested in any of these operations can refuse the Board of Trade and the Traffic Commissioner all information, and the Board of Trade, under its present powers, cannot hold an inquiry or form any decision as to the advisability of these proposals. Even if the Traffic Commissioner, through tactics of diplomacy, which I am sure he would exercise, is able to get to know something, let us say, about a future railway or new motor road, how is he to impress his views upon Parliament? That, again, can only be done by an amendment of the Standing Orders so as to entitle him to appear before the Select Committee engaged in considering the proposal and give evidence. At present the powers of the Board of Trade in this respect are quite restricted.

How is this difficulty to be met? I have no doubt we shall hear something on that presently, and on the other points, from the noble Earl in charge of the business of the Board of Trade; but meanwhile a good many people are anxiously awaiting fuller information than we have had up to the present. Let us suppose that the Commissioner reports that a new tube railway scheme is defective. Our Report recommended that, in a case of that kind, there should be an alteration of the Standing Orders to permit of new notices and plans being deposited to meet the defects. If that is in contemplation that, again, is a step in advance; but if it is not in contemplation I am afraid this very important part of what should be the new Commissioner's duties will be absolutely abortive.

Now I come to the point of supervision. The supervision would embrace such things as by-laws to compel slow traffic to go, say, on one side and keep out of the way of fast traffic. Those by-laws at present would be passed by the London County Council, and would have to be affirmed by the Home Office as responsible for the regulation of traffic in London. That at once seems to me to create friction, unless the Home Office and the London County Council are prepared to transfer their powers in this respect to the new Commissioner and the new branch of the Board of Trade. Then you have motor traffic, which no doubt has come to stay, and which plays an important part in all our lives. The regulations concerning motor traffic and motor traction are in the hands of the Local Government Board. Are they, again, going to transfer those powers to the special branch of the Board of Trade? Then there are the motor 'buses, and there is the breaking up of streets, which seems to be nobody's particular business but everybody's concern. Those matters, we thought, ought to be in the hands of the Traffic Board; but, things being as they are, it would be quite impossible to hand the powers of local authorities over to this new branch of the Board of Trade. We should probably have a peaceful revolution if that were attempted.

Finally, there was peaceful mediation, and there was nothing that the Royal Commission were more emphatic upon than that. What we desired particularly to see was that the Traffic Board should be able to step in and settle disputes between parties promoting traffic schemes, and adjust those differences in a manner which they thought would be to the best advantage of the public generally. But the Board of Trade can do nothing of that sort. Under the Arbitrations Act, 1874, they have only powers when they are voluntarily referred to by the parties, or if those arbitration powers are inserted by statute, as has often been done, in clauses in Committee upstairs. I should like to know what is going to be done with regard to mediation. Summed up, the Board of Trade's powers are confined to railways, tramways, and electric lighting as regards the laying of mains, and even then their powers are only general and not in any sense specific or absolute. That leaves out street widening, motor traffic by-laws, and all the things I have referred to. As far as I can see, under this proposal, or, as one newspaper put it, this harbinger of a Traffic Board, all these things are to be left to luck.

A great deal more could be said, but I will not further detain your Lordships in view of the important debate which is to follow. I cannot conceive, after the pronouncement of the London County Council in favour of a Traffic Board and their desire to send a deputation on the subject to the Prime Minister, that there has not been considerable correspondence between the London County Council and the Government, and I think the public, whose convenience, after all, is very much at stake in this matter, should be informed of the nature of that correspondence, and why and how it was this sudden step was taken in the appointment of this peculiarly inoperative special branch of the Board of Trade and this new Traffic Commissioner. I therefore move for Papers.

Moved, "That there be laid before the House papers relating to the recent constitution of the special branch of the Board of Trade for the purpose of dealing with matters relating to London traffic."—(*The Lord Ribblesdale.*)

LORD MONTAGU OF BEAULIEU: My Lords, I rise to support the appeal which has been made to the Government by the noble Lord opposite for full information with regard to the special branch of the Board of Trade recently constituted for the purpose of dealing with matters relating to London traffic. It is now a long time since the Royal Commission reported, and, in my opinion, this appointment of a subordinate Department of the Board of Trade is an attempt by the Government to shelve all the great questions relating to London traffic. At the present moment there is a definite proposal to construct a new exit from London for motor and other traffic not animal drawn. That proposal is a very important one for the future of London and surely ought to be referred to an authority who should be able to say whether it is in harmony with possible future schemes for the making of more trunk roads leading out of London. On page 99 of their Report the Royal Commissioners express the opinion that one of the chief duties of this Traffic Board should be the improvement of the main roads leading out of London; yet here we are face to face with a proposal of an entirely novel character, and no authority seems to have power to exercise any control. There have been innumerable Commissions and Committees on this question ever since 1846, and surely we have arrived at a time when, in the interests of this great metropolis, the Government ought to make up their minds definitely whether or not they intend to carry out the valuable recommendations of the last Royal Commission on this subject. Personally I should much prefer the appointment of a Traffic Board than that these powers should be vested in the London County Council. It is better that there should be a body less permeated by prejudice and political traditions. I sincerely press on His Majesty's Government the necessity, in the interests of London as a whole, of not allowing the appointment of this subordinate department of the Board of Trade to become permanent, and of dealing without delay with the great questions relating to London traffic which were raised by the Report of the Royal Commission.

*THE LORD BISHOP OF SOUTHWARK: My Lords, I feel it my duty, as one who is specially connected with London, to say a word or two on this question. The traffic is only one branch of the whole question of the extension of London, which in its relation to the housing of the people weighs heavily on the minds of the community; and we are greatly disappointed by the way in which the Government have dealt with the proposals of the Royal Commission. Those proposals were, it seemed to us, singularly moderate; they certainly involved nothing drastic or revolutionary. The great thing necessary is the bringing together of the various authorities concerned in this question both different Government offices, and different local authorities. It seems to me that at present there is simply a blind ungainly out-thrust of the population, producing the most lamentable results, and the proposals of the Royal Commission deserve most serious consideration on the part of the Government. I watched with surprise the action of the London County Council at the time when it hampered or opposed this scheme. Although I have taken great satisfaction in the increase of the power of the London County Council in every way, and have in some sense wished more power to its elbow, I felt that in this matter it seemed to be acting wrongly and considering only its own interest, when it was obvious that for the proper solution of the problem of London traffic the question should be vested in a board which could deal with questions between the council and the local authorities of the districts adjoining the councils area.

*THE EARL OF GRANARD: My Lords, the whole question of London traffic, which is most complicated, has received the careful consideration of His Majesty's Government. They have not found themselves able to bring in the Bill that would be necessary to set up the Traffic Board recommended by the Royal Commission; but, being anxious to do something to improve the condition of London in this respect at the present moment, they have considered that this could best be effected by appointing a London traffic branch of the Board of Trade under Sir Herbert Jekyll. The new branch will have to study the whole traffic question of Greater London and report to Parliament yearly on the needs of London traffic. I am sure your Lordships will readily see that this will be a step in the right direction. They will also endeavour to bring into harmony the different schemes of locomotion seeking statutory powers, by means of conferences between the parties concerned.

I have carefully read the Report of the Traffic Commission and was very much struck by the strength of the case for uniformity. We hope to secure uniformity by means of this new branch of the Board of Trade. The noble Lord was anxious to know something of the *personnel* of the new branch. I am afraid I can only tell him at present that Sir Herbert Jekyll is at the head, and that he will have a certain number of people to assist him. We hope very much to have the co-operation in this branch of representatives of the Home Office and the Local Government Board. The Home Office have jurisdiction in some cases, the Local Government Board in others, and the Board of Trade have powers in other cases, and we hope by means of this branch to arrive at some reasonable manner of dealing with all the different interests concerned.

With regard to private Bills, the noble Lord stated that the branch would have no means of dealing with promoters who were presenting private Bills to which objection was taken, but I think that if the branch reported adversely on any private Bill, that circumstance would certainly be taken into account by the Committees of both Houses. I understand that something can be done by way of amending Standing Orders relating to private Bills, so that they would have to go before this branch of the Board of Trade before they came before Parliament. That is a matter requiring great consideration, and I hope that possibly next year something may be done in that way. Private Bills have to be deposited by 30th November, and I think it would be rather hard to ask the various interests to submit their schemes this year. Although this branch has only been working for a week or so they have already had schemes submitted to them. The noble Lord will recognise how great the improvement has been in the matter of London traffic since the Report of the Royal Commission. The appointment of this branch is in no way a permanent settlement; it is leading up to a larger policy. Whether a permanent settlement of the subject will be by means of a Traffic Board I am not in a position to say. The branch will, at any rate, do a great deal of good in the way of co-ordinating different schemes and interests.

EARL CAWDOR: My Lords, if I may venture to say so, I think we are much indebted to the noble Lord who has raised this very important question. It is a question to which the Royal Commission, on which he and I had the honour of sitting, devoted considerable time, and so far as the appointment of a Traffic Board was concerned they presented an unanimous Report. The noble Lord who occupies the Woolsack, and who I regret is not in his place at the moment, was also a member of that Commission and agreed in that unanimous recommendation. What I think we are all anxious to know is not exactly what the Department of the Board of Trade which has just been set up, somewhat unexpectedly, I think, is doing at the present moment; there is a great deal over and above that. I think the right rev. Prelate put the point when he said just now that what we wanted to know was whether we were going to bring together the Government Departments and the local authorities. That constitutes one of the great difficulties of this question.

The noble Lord who brought this matter before your Lordships' notice pointed out, I think with great clearness, that there is not sufficient power at the present time vested in the Government to deal with this matter, and that legislation is necessary. He pointed out that with respect to private Bills further powers were absolutely necessary, that with regard to questions outside private Bills extra powers were also needed, and that the powers with regard to by-laws were insufficient to cope with the evils we have to encounter. In this important question we have to deal with the Home Office, the Local Government Board, the Board of Trade, and with the London County Council and the other local authorities in the metropolis. It is very desirable that your Lordships should know whether His Majesty's Government, in setting up this new branch of the Board of Trade, are leading up to legislation. We want to know whether this is merely a paving of the way for doing that which the Royal Commission were unanimous in saying was a necessity. The Commission declared that there must be legislation if this problem is to be dealt with at all, and we want to know whether this is leading up to and helping on legislation, or whether it is a sort of sop which will take the place of legislation.

I appeal to the noble and learned Lord the Lord Chancellor—I should like to appeal to him in his presence, but as he is not here I must appeal to him in his absence—to say, as a member of the Royal Commission and a member of the Cabinet, whether in his view legislation is necessary in order to deal with this traffic problem, or whether it can be dealt with without legislation. I have not the slightest doubt that the noble and learned Lord holds still to the view he expressed as a member of the Royal Commission, that legislation is absolutely necessary in order to cope with this most tangled problem. The noble Earl who replied on behalf of the Board of Trade told us that the great thing we wanted in this matter was uniformity. We agree with him, but you cannot get uniformity of action in dealing with this question, except by legislation. The London County Council are to-day in favour of the establishment of a traffic board. They were formerly opposed to it, I agree, and they had the opportunity of stating their case before the Royal Commission and before my noble and learned friend the Lord Chancellor, but they could not shake the decision of the Royal Commission nor the decision of the noble and learned Lord. It was unanimously agreed that the London County Council of that day were wrong, and that there was a necessity for legislation in order to carry this matter out.

I press upon the Government that this is a matter upon which your Lordships are entitled to have information as to what is going to be done. This new Department of the Board of Trade may be useful, but it is never going to solve the question, and we want to know whether there is to be legislation. The noble Earl who replied on behalf of the Board of Trade said that since the Report of the Royal Commission the condition of London traffic had very much improved. I do not know whether the noble Earl drives much about London, but if he does he will know that, even if there has been improvement, a good deal still remains to be done.

THE LORD PRIVY SEAL (The Marquess of RIPON): My Lords, I regret very much that my noble and learned friend the Lord Chancellor is not here at this moment, and I am sorry to say that I am not in a position to answer the questions of the noble Earl. Not knowing that this debate was likely to take this form, I have not informed myself upon the subject. I will only say that I am sure that the observations which have been made by my noble friend behind me, by the right rev. Prelate, and by the noble Earl who has just sat down, will receive the most careful consideration from my right hon. friend the President of the Board of Trade. The noble Earl asked whether this appointment of a Traffic Commissioner was likely to lead up to legislation. I understood my noble friend behind me, who replied on behalf of the Board of Trade, to say that it was intended for that purpose. I may have been mistaken, but that was what I understood my noble friend to say.

LORD RIBBLESDALE: I should like to ask whether we are to have the Papers for which I moved. For the rest I have only to thank the noble Earl for his reply. It is true that he had not very much to tell us, but I was glad to hear that the new branch is already doing business, but I am afraid it must be of a restricted order. The noble Earl spoke of an alteration in a Standing Order which would enable this new branch to do big things in connection with private Bills. What he said left a vague impression on my mind, and I wish we had the Chairman of Committees here to tell us exactly what this particular Order is which is to place things in a different position from what they are in at the present moment. I thank the Government for what they have said, although it was remarkably little; and it seems to me that, if their methods of dealing with Scottish land resemble the hare of Æsop's fable, their methods regarding London traffic resemble the tortoise.

*THE EARL OF GRANARD: If there are any Papers and we can lay them, I shall be pleased to comply with the noble Lord's request.

LORD RIBBLESDALE: There must have been some correspondence between the Board of Trade and the London County Council.

*THE EARL OF GRANARD: I am told that there has been no correspondence between those two bodies.

THE LORD CHANCELLOR (Lord LOREBURN), who now took his seat upon the Woolsack, said: My Lords, I feel that I owe your Lordships an apology for my absence, but I would explain that it was due to the fact that I was sent for by the Prime Minister upon an urgent matter that did not admit of delay. I hope your Lordships will accept that explanation as satisfactory. I do not suppose I can be of any assistance now that the debate is at an end, but I am ready to answer any questions that any noble Lord may wish to put to me.

On Question, Motion agreed to.

LOSSES ON SMALL HOLDINGS.

THE EARL OF ONSLOW: My Lords, I rise to ask whether His Majesty's Government will lay on the Table of the House the form of the Treasury Minute promised by the Chancellor of the Exchequer to relieve county councils of half the amount of any loss incurred in the carrying out of a scheme by a county council under the Small Holdings Bill when passed into law; and where a county council is over-ruled on a matter of discretion by the Commissioners under the Board of Agriculture, the whole of such loss. I should also be glad if the noble Earl could add information as to what will take place in the event of a parish council creating allotments and making a loss upon them; in that case, will any assistance be forthcoming from the Treasury?

THE PRESIDENT OF THE BOARD OF AGRICULTURE AND FISHERIES (Earl CARRINGTON): My Lords, we shall certainly lay on the Table of the House the Treasury Minute which is to be issued with regard to the recoverable losses incurred by county councils in connection with schemes carried out by those councils under the English Small Holdings Bill when it becomes law, but its terms will require careful consideration, and it will not be possible to issue it before the end of the session. The Minute will not deal with those cases in which the Board act in default of a county council. Those cases will fall to be dealt with on their merits by the Board and the Treasury under Subsection (3) of Clause 5 of the Bill, which gives the Treasury power to pay the whole or any part of the loss. No pledge, however, has been given, or can be given, on behalf of the Government that in those cases the whole loss will necessarily be made good out of public funds.

LORD BELPER: My Lords, in consequence of the answer which has been given by my noble friend the President of the Board of Agriculture, I should like to make some remarks, but I think it more convenient to postpone them until the Second Reading of the Bill, when I hope to have an opportunity of referring to the financial question.

SMALL HOLDINGS AND ALLOTMENTS BILL.

[SECOND READING.]

Order of the day for the Second Reading read.

***EARL CARRINGTON**: My Lords, this Bill was read a first time in the other House on 27th May. On 12th and 13th June the Second Reading was passed without a division, and although it was considered by a Standing Committee of the Commons' House of Parliament on fifteen days, during which eighty divisions were taken, the closure was not brought into operation on any single occasion. The Bill then went down to the House of Commons again and was three days on Report, the Third Reading being also carried without a division. The Bill is a long one, consisting of forty-seven clauses and two schedules; and before I say anything with regard to its provisions perhaps I may be permitted to bear testimony to the ability, the tact, the temper, and the courage shown by my right hon. friend and colleague, Mr. Harcourt, in piloting the Bill through the House of Commons. Altogether the Bill was debated for twenty-one days, and I hope your Lordships will therefore consider that full time was accorded for its consideration.

In this Bill there is nothing new, there is nothing radical, there is nothing revolutionary. What we are trying to do by the Bill is merely to restore to the agricultural labourer some of the conditions under which he lived in the earlier part of the last century. Perhaps I may be permitted, very briefly, to refer by way of example to a single estate, of which I happen to have a little personal knowledge—I refer to the Ancaster estate at Grimthorpe, in Lincolnshire. In the year 1801 or 1802, a Report was asked for by my grandfather, who happened to be the President of the Board of Agriculture at that time, with reference to this estate, and the Commissioner who in response to that request went down to Lincolnshire stated that at Grimthorpe every labourer had from three to fifteen acres, all had at least two cows, several ewes, sheep, and a pig or two. Their rent was from 10s. to 20s. per acre, and each labourer also had a cottage and a garden, for which he paid from 20s. to 40s. a year. In the words of the Report they were—

> "An orderly, decent, church-going race of men"

and not a cottager on the Duke's estate ever demanded relief or aid from the parish, except under very exceptional circumstances, such as illness. They brought up their families well, and the poor rates at Grimthorpe were only 1s. an acre all told. Corn was at that time 113s. a quarter, and the cost of living was proportionately high, but these men, by having a piece of land, were able to live a decent, honest life, and bring up their children in comparative comfort.

That happy state of things, as your Lordships are aware, came to an end. Then came the time of the hungry forties, the repeal of the Corn Laws in 1846, the agitation in 1872, which was put down with a strong hand; but still the conditions of labourers remained very bad in England. In 1881 there were very nearly one million agricultural labourers — 983,000 to be perfectly accurate—in this country, but in 1901 that figure had dwindled to 689,000—a decrease of 30 per cent. in twenty years. In the year 1892 the scales fell from men's eyes, and they saw that the continued creation of big farms was becoming a public danger. The Conservative Government, then in office, to their great credit brought in a Small Holdings Bill, which, however, was not altogether a success. It was described by my right hon. friend in another place as a pathetic failure, but on that I do not wish to dwell. I would rather remind the House that in 1887, and afterwards in 1892, the Conservative Party, to their very great credit and honour, gave us a lead, and the condition of the agricultural labourer passed from the sphere of Party politics. It became a national question, and the nation was determined to do away with what really was a national degradation and a national disgrace.

In 1905, when the present Government came into office, they found the law relating to agricultural holdings in a very confused state. The county council, as the House knows, is the authority for putting in force small holdings under the Act of 1892, and small holdings may be any size from one to fifty acres. But under that Act the county councils could not purchase and they could not hire compulsorily. As regards allotments, the state of affairs was almost more confused still. Under the Act of 1887 allotments could not exceed one acre, but under the Act of 1894 parish councils had concurrent powers and under that Act allotments could be of any size except when compulsorily hired, and then they were limited to four acres of pasture or one acre of arable and three acres of pasture. Under the Act of 1887 the district council was the authority; under the 1894 Act the parish council was the authority. Still more difficult was the fact that the district council could purchase compulsorily but could not hire compulsorily, while the parish council could hire compulsorily but could not purchase compulsorily.

Earl Carrington.

When my right hon. friend Sir Henry Campbell-Bannerman became Prime Minister, he determined to take the agricultural question in hand in earnest. Last year we passed the Farmers' Charter—the Land Tenure Act. This year it is the turn of the labourers. We have been told that there has been no demand for small holdings. As to that I will give my own experience in connection with the Crown lands. When I was entrusted with the management of the Crown estates, with an area of 62,000 acres, there were only fourty-four small holdings on them. At the present moment I have applications for over 10,000 acres of land, or one sixth of the whole. Many of the applicants are men who would make a good living on the land, and in my first year I hope to have—*i.e.*, by Michaelmas next—without doing any harm to any living being, 2,000 acres of Crown lands under cultivation by small holders.

I now come to the principle of the Bill. The main principle of the Bill is to let land on lease with security of tenure at a fair rent, as against establishing a peasant proprietary. We have a great many authorities on our side—the Duke of Richmond's Commission, the

Royal Commission of 1893, Mr. Chamberlain's Select Committee, the Cambridge County Council, Mr. Le Strange, Miss Jebb, and Mr. James Macdonald, secretary of the Highland Society. I must not forget the Committee over which my noble friend Lord Onslow presided, and which did such good service to the agricultural world. In his report the noble Earl does not in any way discard peasant proprietorship, but he says he is bound to admit from the evidence submitted to the Committee that the desire to hold land as an owner is less strong in Great Britain than in Ireland or on the Continent. Mr. Jesse Collings, perhaps the pioneer of small holdings, spoke in the House of Commons of the great magic of property, but I honestly think that what people really want is not so much to be the owner of a little bit of land as to have security of the land on which they get their living. But perhaps the most important argument of all in favour of hiring as against purchase is that it enables land to be temporarily used by small holders at a fair rent while it is ripening for building purposes. Moreover, a sort of iron band of freehold small holdings would necessarily hamper the legitimate expansion and development of many of our country towns.

The main objects of the Bill are three—first, to establish a central authority to organise the general administration of these Acts; secondly, to put pressure on county councils who are unwilling to take action of their own accord; and, thirdly, to give further facilities for the provision of small holdings to be leased and not sold. The Bill provides that the Board of Agriculture shall appoint Small Holdings Commissioners—not less than two — and other officers who are to be paid by Parliament, and their duties are to gather information with respect to the demand for small holdings actual or prospective. They will, if there is any demand for small holdings, send in a report to the Board of Agriculture, and the Board, if they think it desirable, will forward the report to the county council. There are three stages to be gone through. The first is the report stage, and it is on that stage that I am now speaking. If the Commissioners report that a demand exists, the county council are given six months, or such longer time as may be thought fit, to prepare a scheme of a general character. I now come to the second stage. The scheme is to indicate the localities in which small holdings are to be provided, but not to specify or earmark any particular land. These schemes are to be submitted to the Board of Agriculture, who, after considering the objections, if any, will settle the scheme either with or without modification, or may annul it altogether. And if it appears to the Board of Agriculture that the carrying out of the scheme by the county council results in a loss, the Board of Agriculture will pay one half of the loss incurred.

THE EARL OF CAMPERDOWN: May pay.

EARL CARRINGTON: The subsection reads—

> "If it appears to the Board that the carrying out of a scheme under this Act has resulted or is likely to result in a loss, the Board may, with the consent of the Treasury, pay or undertake to pay out of the Small Holdings Account the whole or any part of that loss."

The Treasury have however undertaken in the case I mentioned to pay half of the loss. If the scheme is carried out by the Commissioners against the will of the county council and the result is a loss, the Board of Agriculture may pay the whole or part of that loss. That, I think the House will agree, is quite right.

Then the Board of Agriculture may give object lessons by themselves providing small holdings. That is a recommendation in Lord Onslow's Report, and it has been put into the Bill. A special account is sanctioned by the Treasury, called the Small Holdings Account, and I am glad to be able to say that the Treasury have behaved with great liberality and have earmarked £100,000 which is to be placed to the credit of that account for the first year. Out of that fund will be paid—(1) the contributions towards the losses incurred by county councils or the Commissioners under Clause 5; (2) the expenses incurred in carrying out the experimental small holdings, as recommended by Lord Onslow's Committee; (3) the contributions towards the incidental expenses of acquiring land which it is not fair to ask the cultivating tenants to pay; and (4) grants to co-operative and other societies under Clause 39 and the minor payment to be found in Clause 26.

I now come to the compulsory purchase or hiring of land. This land is to be let to the tenants on lease. The power is in the 6th clause, and the procedure in the 26th. Where land is compulsorily hired by local authorities under Clause 26 it must be for a term of not less than fourteen years and not more than thirty-five years, and the county council, by giving notice—not more than two years' notice and not less than one—can renew compulsorily for a similar term; that is to say, if these small holdings are, as I firmly believe they will be, a great success, the lease can be renewed at the end of the term, whatever it is, and of course the land will be revalued at the time. If it has become intrinsically more valuable, of course the rent will go up, and if there has been any depreciation in the value naturally it will go down. If there is a burning desire among would-be small holders to buy their piece of land, as we are told there is, they can do so under the Act of 1892, which is not interfered with in any way by the present Bill; but land so acquired must be obtained voluntarily and by agreement.

The procedure for the compulsory purchase of land we have tried to make as simple and inexpensive as possible, and it is based on the Parish Councils Act of 1894. This is what may be done. The county council will submit to the Board of Agriculture an order, under the Lands Clauses Act of 1845, to purchase or hire compulsorily such land as is specified in the order. Under the order the land is specified; under the scheme no particular land is earmarked at all. The county council then give notice to all the owners, occupiers, and lessees, and these men are given the opportunity of being heard at an inquiry, where the witnesses can be put on oath. And to prevent any unnecessary expense no expert witnesses and no legal gentlemen will be allowed to appear. Then, in the same way as in a scheme, the Board, after considering these objections, may confirm the order, with, or without modifications, or they may annul it; and to keep the expenses down, which is a great object in the Bill, and to make the thing work as cheaply and in as workmanlike a manner as possible, the Board of Agriculture, with the concurrence of the Lord Chancellor, may fix a scale of costs. Then there is a new departure in that connection. The council may withdraw from the transaction altogether if it thinks that the scheme cannot be made to pay, but that withdrawal must be within six weeks of the award.

I now come to what is perhaps one of the most important parts of the Bill and that which will really make it a workable measure and ensure its great success—the extension of the time for the repayment of the loan for land compulsorily purchased from fifty to eighty years. That has been allowed both by the Local Government Board and by the Treasury. Perhaps your Lordships may not think there is very much in that, but it makes an extraordinary difference. In the supposed case of £100 required for the purchase of three acres—£33 6s. 8d. an acre—the difference made to the rent by the extension of the period of repayment of the loan from fifty to eighty years is the difference between 5s. 1d. and 1s. 7d. The interest is fixed by the Treasury Minute of 1904 at $3\frac{1}{2}$ per cent., and therefore the land, when the sinking fund is represented by 1s. 7d. can be let at £1 4s. 11d., say £1 5s. per acre. I think we may congratulate ourselves upon the fact that we shall be able to offer land to small holders at a rent of £1 5s. per acre.

Then comes the question of equipment. On that question I must remind your Lordships that the Public Works Loan Commissioners only lend money for equipment for fifty years. As your Lordships know, some land will not require any equipment. If you let anything from five to ten acres of land to a man who has some land already and who has buildings and a house, he will not want any equipment on the additional land. Another case where small holdings will require no equipment is where a farm is already equipped with buildings which lend themselves to subdivision. I know of a farm of 322 acres the tenant of which died and the widow wanted to be released. The farm was thereupon let to six or seven men, and was subdivided without the least difficulty. Two of the men were put into the two cottages that were on the estate, and the others lived in their homes in the village adjacent to the farm; and the buildings were subdivided by the landlord at a cost of £150. Your Lordships know what the expense is in connection with change of tenant, and I venture to think you would regard yourselves very lucky if you got out of the reletting of 322 acres of land with an expenditure of so small a sum. The Crown Commissioners had a 500-acre farm in hand for sixteen or seventeen years, and a gentleman farmer who wished to take it at 10s. an acre rent said he would like a few things done. I added them up and found that the demand represented an expenditure of £1,500. I respectfully pointed out to him that that was six years rent, and I wished him a very good day and we have heard nothing from him since.

In the case of land that requires complete equipment, I should like to allude to what we have done in that respect on the Crown lands. There were two farms in Norfolk, a certain portion of each of which we took, with the entire consent of the tenants. In one case the tenant used to farm 1,100 acres, for which he paid a rent of £1,000 a year. The farm was in a very poor condition. There were great complaints about the rabbits, and I sent down two rabbit-catchers, who, in the first field of forty-five acres, caught 1,000 rabbits. We have given the tenant 366 acres of the best land, all the buildings, and a very comfortable farmhouse. His rent, and that of the small holdings, together for the first year, though the farm is in a terribly bad condition, is £1,190; for the second year we shall get £1,340; and for the third year £1,480. That shows that, so far as the Treasury is concerned, there will be no loss. The cost of equipment in this case works out at an extra rent of 5s. 2d., and in the other case of 7s. 6d. an acre.

Taking what I will call the prairie value of the bareland at £1 5s., and adding 7s. 6d. for equipment, including houses, buildings, fencing, and water supply, £1 12s. 6d. is what the small holder would have to pay. Take the average rent of cottages all over England as 3s. a week, that comes to £7 16s. Well, £7 16s. is nearly the rent of five acres of land; so that the money that the tenant would have to pay for his cottage is the same, and he has five acres of land thrown in free. It is declared to be impossible for the men to pay these rents, but actual practical evidence shows that such a plan as I have indicated can be profitably carried out if the right people are engaged and you get suitable land.

I pass now from the question of equipment to say a few words on the *bonne bouche* I have kept to the last—namely, the protection afforded to the landlord's interests. Clause 30, Subsection (1) provides that—

> "No land shall be authorised by an order under this Act to be acquired compulsorily for the purposes of small holdings or allotments which at the date of the order forms part of any park, garden, pleasure ground, or other land required for the amenity or convenience of any dwelling-house, or which at that date is the property of any local authority or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking."

Further, regard will be had to the extent of an owner's property and the local conditions, and no holding of less than fifty acres will be taken. Then it is provided that where land has been hired by a council compulsorily under this Bill, and the land or any part thereof at any time during the tenancy by the council is shown to the satisfaction of the Board to be required by the landlord to be used for building, mining, or other industrial purposes, it shall be lawful for the landlord to resume possession of the land or part thereof upon giving to the council twelve months previous notice in writing of his intention so to do. If a part only of the land is resumed the rent payable by the council is to be reduced by such sum as, in default of agreement, may be determined by valuation by a valuer appointed by the Board.

The compensation which the landlord would have to pay would be fixed on the value of the improvements to the landlord, and not to a hypothetical incoming tenant. All we ask of the landlord is that when he resumes the land he shall pay for what is really of value to him as the landlord. Of course, strawberries, raspberries, and geraniums would be of no value to a landlord who wanted to lay out his land in building plots, and he would not be asked to pay for them. But I am afraid there is a fly in the ointment, for no extra 10 per cent. for compulsory purchase will be allowed under the Bill. Therefore, no moral or intellectual damage, of which we heard so much prior to the South African war, will be paid for. The other interests of the landlord will be protected under the Lands Clauses Act. Another worthy body of persons who will be justly treated are the rural clergy. At the request of the most rev. Primate, provision has been made in Clause 29 to protect the clergy from any increased obligation with respect to dilapidations, and I have received a courteous letter from the Archbishop, in which he intimates that he hopes to be able to give the Bill whole-hearted support.

I now come to the labourer. Compensation for the loss a labourer may suffer is provided for under Clause 34. I believe that loss of employment will not be likely to arise by the acquisition of land for small holdings, but rather that there will be an increased demand; but where a labourer can show that loss of work results, a county council will be empowered to compensate that labourer, or to pay the expenses of his transfer to another locality where work is available. Of allotments I have little to say; they are dealt with by the six clauses 20 to 25 in Part 2 of the Bill. The Board of Agriculture will be the central authority instead of the Local Government Board, and the powers of rural district councils will be transferred to parish councils as the sole allotment authority in rural districts. Rural district councils have acquired 243 acres, and have installed 464 tenants, but parish councils have done much better with 15,550 acres and 30,222 tenants. Except in exceptional cases, allotments will not exceed five acres. All existing allotments are transferred from the rural district council to the parish council, and the Act is extended to London. Clause 39 empowers a county council to promote the formation or extension of co-operative societies and credit banks, and to assist such organisations. I honestly think that the success of our scheme will to a large extent depend on co-operation. I have seen the representatives of the leading co-operative societies, and I am in great hopes that the industrial societies will take land for their members, and will help us to capture those home markets which are at our doors, but which we have, not very wisely, allowed to slip into the hands of the more astute foreigner.

The Bill is a long one, and if I have not touched upon all the points I would ask your Lordships to excuse me, as I have been naturally somewhat apprehensive of trespassing too long upon your attention. I have to thank the House very respectfully for your patient hearing, and to express the hope that your Lordships will give the Bill your generous support and assistance. There are some candid friends who tell us that the Bill is certain to disturb the friendly relations which exist between landlord, tenant-farmer, and labourer, and they say it will ruin that glorious paternal system which has lasted for so many years. If there is a paternal system in England, all that I can say is that the agricultural labourer is its disinherited child. The noble Marquess the Leader of the Opposition told us some time ago that we were to look upon noble Lords opposite as our allies rather than as our common enemies. Personally, I have no fear as to the answer of your Lordships to our appeal on behalf of the agricultural labourer of England and Wales. I honestly feel that you are with us in our endeavour to leave the agricultural world a little better, a little brighter, and a little happier than we found it; and with these words I respectfully ask your Lordships to give the Bill a Second Reading.

Moved, "That the Bill be now read 2ª."—(*Earl Carrington.*)

*THE EARL OF ONSLOW: My Lords, I think your Lordships will agree that the noble Lord has given the House a very faithful sketch of what the Bill proposes to do. In the concluding passages of his speech he held out a sort of hope to your Lordships that there was something particularly good in it for the landowning class, but when we came to hear what the *bonne bouche* was, I think it might be summed up in these words: "Look how generous I am; I have not nailed his ears to the pump." I am afraid that before the discussion of the Bill is concluded the noble Earl will have learned a good deal from this side of the House as to whether the interests of the landlords have been properly protected. But the noble Earl is quite right with regard to one thing. He is quite right when he says that noble Lords on this side of the House, and more particularly the noble Marquess who leads the Opposition, have always expressed a desire to consider in the most favourable manner any measure which His Majesty's Government may propose for the purpose of increasing small holdings, for the most laudable and praiseworthy object of keeping those who are now on the land in the country, and possibly of getting some of those who have migrated into towns to return to the land. Therefore, I was rather surprised to notice certain expressions which were used towards your Lordships' House by the Prime Minister in another place when he said that he was going to speak quite plainly. We always know, when anybody says that he is going to speak quite plainly, that he is going to say something very disagreeable. The Prime Minister said that this was—

> "a complex and a nicely balanced mechanism which could not be rudely altered in any of its parts without endangering the whole."

My Lords, I suppose that means that your Lordships are not to make any Amendments in the Bill. I sincerely hope that your Lordships will consider this Bill in the same dispassionate manner that you do all Bills which come before you, and that if you think the Bill needs amendment you will not shrink from making such Amendments as you think right and proper.

I say at once that I think there are many parts of this measure which are very good indeed, and if I may be permitted a word of egotism, I would say that the best parts of the Bill are those which embody the recommendations of the Committee over which I had the honour to preside. We all admire in the noble Earl opposite the boyish enthusiasm with which he espouses every cause which he takes up, but, unfortunately, such enthusiasm sometimes leads one into some inconsistencies. The noble Earl and I have had experience of democracies. We have both of us endeavoured to administer the affairs of the democratic Colonies of Australasia. We have both of us occupied seats upon what is, perhaps, the most democratic body in this country, the London County Council—and, indeed, I think I remember the noble Earl upbraiding me as an alderman for not occupying the proud position which he did. He called himself "a simple soldier in the ranks"—which is simply "democratese" for a councillor as opposed to an alderman, and I remember how he used to inveigh against the tyrannous Unionist majority in the House of Commons, which prevented the freely elected people in London County Council assembled from placing such taxation on the ratepayers of London as in their wisdom they thought proper. I had, therefore, really to rub my eyes when I saw the name of the noble Earl on the back of this Bill, which proposes to invest the President of the Board of Agriculture—namely, my noble friend himself—with what I consider are absolutely autocratic powers for over-riding the freely elected county councils of the country.

Now, my Lords, what may the President of the Board of Agriculture do under this Bill? He may send his Commissioners into any county, and may call upon the county council to make a scheme for small holdings, of which they may entirely disapprove, and he may then sue them for the cost as for the recovery of a debt due to the Crown. Further, he may, at the instance of any six people, or even perhaps at the instigation of a single agitator in any parish, send his Commissioners into a parish, arm them with powers to overrule a parish council which has declined to provide allotments for the six people (the district councils' powers being taken from them by the Bill) and he may then tell the county council that they ought to be ashamed of themselves for not having used their powers to override the parish council, and for not having provided allotments for the six. He may compulsorily acquire any land for the purpose, and if, after all the mighty six throw up the land—which, as the Board's Report on Agricultural Depopulation shows has been going on of recent years all over England—he may, of his own mere motion, cause an immense amount of trouble and disturbance, stirring up the worst passions of mankind, even supposing that the provisions for the compensation of the unfortunate persons at present interested as landlord and tenant in the land are adequate, which I greatly doubt. He may cause all this of his own motion, over-riding parish and county councils and taking away the powers which the district councils possess at present. I say that the noble Lord, as President of the Board of Agriculture, is practically autocratic in this matter. He has nobody over him, except, perhaps in a measure, the Cabinet, of which he is a member. It is no doubt true that he is responsible to Parliament, but when I see the nature of the responsibility to Parliament which is exercised by some members of His Majesty's Government, I can only say that they appear to me to be extremely amenable to the "ginger" of the Labour Party. I do not wonder that a colleague of the noble Earl on the London County Council—Mr. Dickinson—who is now a Member of Parliament—expressed his nervousness and disquietude that he should have to sit in the Committee and hear the cause of the county councils championed entirely by those who are opposed to him in politics. My only consolation in this matter is that I do not believe that the noble Lord will be able to coerce the county councils. It has been tried by other Departments. It has been tried by the Local Government Board, and it has been tried by the Education Department. My noble friend the late President of the Board of Education knows quite well how extremely difficult it is for a Government Department to coerce freely elected county councils.

So much for the powers conferred by these Commissioners upon the Board. But who and what are those Commissioners? They are something entirely unknown to the law. We know quite well what inspectors of the Board of Agriculture are. They are Civil Service officials responsible to the Board of Agriculture, and to nobody else. But the Commissioners set up by this Bill have entrusted to them certain powers by authority of an Act of Parliament, and, naturally, if the President of the Board of Agriculture or anybody else says to them: "You are not to do so-and-so," they will say: "Ah, but we are instructed by Parliament; we have this Act behind us; we are to do these things." The word is "shall," and not "may," and I think it will be found very difficult indeed for any President of the Board of Agriculture hereafter to control these Commissioners who are to be set up.

Now there are some remarkable omissions in this Bill to which I would wish to call your Lordships' attention, as well as to some of the provisions which it contains. It is a curious thing, I think, after all that has been said on the subject, that there is no power in the Bill to create ownerships. I must apologise to your Lordships for quoting words of my own, and I should not do so were it not that they were concurred in by all the members of my Committee, including so ardent a land reformer as Mr. Munro Ferguson, so loyal a supporter of His Majesty's present Government as Sir Francis Channing, and so able a writer, particularly in the Radical Press, as Professor Long. This is what my Committee said—

> "The Committee think it hardly necessary to demonstrate that in the general interest of the community it is desirable that as large a number as possible of persons should have a direct interest in the land of the country, and that in the interests of agriculture and of the productiveness of the soil it is expedient that the numbers of those who not only occupy, but also have a permanent stake in the land, should be materially increased, in order that so important an industry as agriculture should make its voice heard in the affairs of the nation to a greater extent than is possible when, as now, the majority of the rural population have but a transitory interest in its prosperity."

My Lords, those are words with which I think most of your Lordships at any rate on this side of the House, will entirely agree, and I wonder very much why the machinery set up by this Bill has been confined to tenancies, and has not been extended to ownerships. I can only imagine three alternatives. The first is that His Majesty's Government was afraid that each one of these peasant proprietors would become a red-hot Tory. That, certainly, is the experience of the past. Or, perhaps, they were afraid that they would become strenuous advocates of tariff reform; or, again, perhaps they were captured by the Land nationalisation section of the Party to which His Majesty's Government belongs. I strongly suspect that the last of these three considerations had the greatest weight with His Majesty's Government. At any rate, we had a demonstration on 26th April last, I think it was, at Drury Lane. If it had been on the 26th December, I think it would have been very much of the nature of the performances which usually take place at Drury Lane on that date. That meeting was addressed by the Under-Secretary of State for the Colonies, who said that—

> "The land acquired by State credit or authority could never be again alienated."

That is broadly and crudely the doctrine of land nationalisation. At any rate, there is not a word in the Bill which tends to create what most people believe to be the most important of all forms of small holdings, namely, occupying ownership. It does not even extend those powers given by the Act of 1892 to advance money to occupiers to enable them to purchase the farms which they now occupy.

The noble Lord said that the Bill gives fixity of tenure. No doubt the tenants will be the tenants of a public authority, and they are not likely to be capriciously evicted. But I shall be very curious to watch the difference between the position of small holders under the public authority and under a private landlord. Is the public authority going to remit their rent in bad times? I think the ratepayers will have something to say if they do. Who is going to do the little repairs which the landlord is constantly called upon to do? I have very little fear of any comparison between the public authority as a landlord, and a private individual.

The second omission which I notice in the Bill is that no additional opportunity is given to the landowners to provide greater facilities for small holdings on their property. The Committee over which I had the honour to preside made a very strong point of that. They believed that with the enormous advantage possessed by the State in the low rate at which it can borrow money and lend it upon good security, there was a grand opportunity for enabling landowners to create small holdings upon their properties. But this Bill is not entirely a Bill for creating small holdings and nothing else; it is a Bill which will be extremely useful on the platform in the autumn; and I quite understand that at Radical meetings a measure which provided for the lending of money to landlords at a low rate of interest would not command a very great measure of applause.

Now, my Lords, I pass from its omissions to some of the provisions of the Bill with which I heartily agree. I heartily agree with the setting up of a Small Holdings Fund; but I wish the noble Lord had told us a little more clearly what the amount of that fund was to be. He said it was to be £100,000—that, I suppose, is for the first year, of which two-thirds have already expired; and therefore we may expect £100,000 to be paid into the Small Holdings Fund for the remainder of this year; and, if we are to have three times that amount every year, I think a great deal may be made out of it, although the calls under the Bill are, no doubt, very considerable. Next, I welcome the provision enabling the Board of Agriculture to make experiments in parts of the country where small holdings do not exist, with a view to demonstrating both to landlords and to county councils that they may be made a success. I welcome also the provision for the repayment of the costs of county councils in setting up these holdings, though not, of course, either in paying for the land or any recoupment to the owners of the land. I cordially approve of the idea of appointing advisory committees, because I am quite certain that no authority in London, nor even an authority in the chief town of a county, can really properly look after allotments at a great distance from their centre. I also welcome the provision to delegate the powers of the county councils to borough councils in their immediate neighbourhood, because I believe that if there is to be any attempt to get people to go back to the land, the only way in which you can do it is by getting the urban authorities to co-operate with the rural authorities in settling persons from the towns upon the land, and I notice that the borough councils can only do so with the consent and the co-operation of the county councils.

But I confess that I am filled with some alarm when I see that the Bill extends also to county boroughs; that is to say, that a large borough such, for instance, as Bristol or London, may, under the Bill, acquire land in any part of the country, and may dump down on it a colony of small holders who may be the least fit persons in the world for cultivating small holdings; that they may call upon the rural county council to provide the sewerage, the roads, the drainage, and the water supply for such small holdings entirely against their will; and that even if the small holdings are a failure, and the small holders are ruined, they would under the Poor Law have to be relieved at the expense of the ratepayers of the county in which they are situate. I do not believe you will turn back the tide of migration from the towns into the country—I think you may stem it, but I do not believe you will turn it back. And I think there is grave danger in allowing these great cities to make experiments in places where the county councils, who are the governing bodies of those districts, have the sole charge of the interests of the ratepayers and the population of those counties do not approve of them. I think there is grave risk in allowing this to be done without their knowledge and consent.

There are other provisions to which I will not allude in detail, save one, and that is, that co-operative societies will be encouraged by grants from the Small Holdings Fund, and that the county councils will have power to let land to associations for the purpose of sub-division into small holdings. Both of those, I think, are valuable provisions, because I believe from experience of the past that more has been done in the way of creating small holdings by the active energy of two or three individuals forming one of these societies, or perhaps forming committees of a county council, than will ever be done by merely leaving the matter to the local authorities, even when stimulated by the Board of Agriculture.

Now, my Lords, I am sorry to have to turn to some of the provisions of the measure to which I cannot altogether, I am afraid, give my consent. I will not say that I think the provision for the compulsory hiring of land ought to be entirely eliminated from the Bill. Parliament has accepted the principle of compulory hiring in the case of allotments; and those who are ardent promoters of small holdings, such as I claim to be, would not lightly set aside a provision such as this, made on the responsibility of His Majesty's Government; but I must say that I think it is carried a little too far in the Bill. You are practically going to allow a county council, or the Commissioners sitting in their place, to hire land at a perpetual rent charge; they may hire land for thirty-five years; and, at the end of those thirty-five years, they may go on hiring it again, and so on. If small holdings are going to be a success, it will be known whether they are a success at the end of thirty-five years; and I must say that I do not think it is too great a thing to ask that a county council, if it decides to go on for a further term after the thirty-five years should give the landlord the option, should he so desire it, of being expropriated and should be prepared to buy the land upon which they have created small holdings.

Then, my Lords, the powers given to parish councils under the Bill are very wide indeed for so small a body. They are given not only to parish councils, but to parishes which are so small that they have nothing but a parish meeting. I think that most of your Lordships who live in the country know that in these small parishes matters of that kind are managed in a hole and corner manner by one or two men, who may perhaps have prejudices and may perhaps have axes of their own to grind; and I confess that I view with especial suspicion the provision to exempt these parish councils from any limit of expenditure in the provision of allotments. In every other respect, in whatever else they may do under the powers that have been granted to them by Parliament, they are limited in the amount of the expenditure which they may incur. But, under this Bill, I can see no provision for any limit whatever to the expenditure which a parish council may incur in the provision of allotments.

I was not at all satisfied with the reply of my noble friend opposite in the matter of the recoupment by the Treasury in cases where there has been a loss to the county councils, and he did not answer at all the question which I addressed to him upon another matter. I must apologise for not having given him private notice of my intention to ask that question, but he did not say, and I cannot see anything in the Bill to tell us, whether, in the event of a parish council being compelled, as they may be by the Commissioners, to provide allotments whereby they make a loss, any provision will be made for recoupment by the Treasury of the loss so incurred by the parish council.

I am sorry that the Government have not seen their way, in some way or another, more clearly to define who are the persons to whom these small holdings and allotments should be let. There does not seem to be really any limit whatever in this respect, except that the person is to cultivate his holding. I know of a case of a small holding held under an association by a very estimable old lady who lets lodgings in London; and during that time of the year when all, except your Lordships, are enjoying themselves in the country, she goes down there and lives upon her small holding, but during the whole of the rest of the year she cultivates her holding by raising eggs upon it for her London lodgers. I do not know whether she is quite the sort of person to whom your Lordships are prepared to apply the provisions of this measure; but, as far as I can understand, the only necessity is that the persons to whom small holdings are let shall grow flowers, or keep bees, and they may then be said to be cultivating their holdings.

There was one clause which the noble Lord dwelt upon with a great deal of satisfaction, but which I confess appears to me to be rather of what is commonly known as "shop-window dressing," and that is the provision for compensation of agricultural labourers displaced by the conversion of large holdings into small ones. It looks very well on paper, but I do not know whether your Lordships have seen, as I have, a document constituting a slashing reply to Earl Carrington in his attempts to minimise the significance of this pamphlet. Perhaps it was that which drove the noble Earl to accept the Amendment which I believe was put into the Bill in another place.

I am not going to ask your Lordships to consider what are the provisions of the Bill with regard to protecting the interests of the landlord, because I am quite certain, looking round these Benches, which are so well filled for this time of year, that there are plenty of noble Lords present who will not fail to acquaint the House with their views upon that subject, and I may therefore pass rapidly to the remaining considerations, which are confined, I think, to the position of existing tenants—large tenants—to the alleged difficulties in getting land, and to the question whether the small holdings established under this Bill are likely to be successful. Now, as to the first of those considerations I am afraid my noble friend must again find himself in a position of some difficulty; for last year we had him advocating what he is so fond of calling "the farmer's charter," a measure which he told us was going to remedy that terrible state of things where an unfortunate tenant might be turned out of his holding by a capricious landlord without so much as the price of a pantechnicon van to convey his furniture from his old to his new holding. And now we have the noble Earl bringing in a measure in which the tenant may be turned out of his holding against his wish and against his landlord's wish.

As to the question of the difficulty of obtaining land, I think that has been largely disposed of by debates which have taken place in this House earlier in the session; but I cannot refrain from referring to a Report issued by the Board of Agriculture on this subject, and called a "Report on the Decline in the Agricultural Population of Great Britain." That Report is founded on replies sent by the Agriculture Correspondents of the Board; and a night or two ago the noble Earl told you that he did not think very much of the Agriculture Correspondents of the Board. He said that they were a *hereditas* which he received from me. He did not use the adjective which is commonly prefixed to the word "*hereditas*"—perhaps for the purpose of sparing my feelings. But let me assure the noble Earl that he need not trouble about my feelings, if the use of that adjective would in any way relieve his own. At page 16 of that Report your Lordships will see it is said that—

> "so far as allotments are concerned, there is a very general consensus of opinion that requirements are, as a rule, well satisfied."

And the Report goes on to say at page 19 with regard to small holdings (it quotes, by the bye, Mr. Carrington Smith—and surely in that conjunction of names there is something racy of the democracy) that—

> "while the advantages of small holdings as an incentive to the younger and more desirable class of men to remain on the land are very generally recognised, the difficulties of providing them are forcibly referred to by many correspondents. Various obstacles are mentioned, but that which may be said to overshadow all the rest is the cost of equipment. The difficulty, as one Report says, 'is not in obtaining land, but in the cost of putting up the requisite buildings.'"

My Lords, it is quite true that county councils have been somewhat slow in putting into operation the Act of 1892, but I do not think they are quite what this Bill assumes them to be, mulish and pig-headed. They are not averse to do what Parliament and Government Departments believe it to be their duty to do. I ask the noble Earl what he thinks. He has had experience in the administration of the Contagious Diseases (Animals) Act, and he knows just as well as I do that there are many county councils—certainly very many members of county councils—who do not see at all eye to eye with the Board of Agriculture as to the method by which they think they are stamping out those diseases. But I think the noble Earl will agree with me that county councils, whatever their private opinions may be, have cordially co-operated with the Board, and have done their best to administer the law as they find it, and to carry out the recommendations and instructions which are given to them by the Board. County councils may be supine, and they certainly are economical; they have no wish, and they do not want, if they can possibly help it, to put up the rates. Noble Lords who live in the country know full well how heavily the rates fall upon the unfortunate tenant farmer; and I must say that I think, when His Majesty's Government say, as they do say, in this Bill, "This is an excellent Bill, but we leave it to those who do not want small holdings to pay at least half the cost," they are saying a very hard thing to some of the county councils. They then go on and say, "If you will not create small holdings, we will apply that spicy stimulant which is so dear to the heart of the Under-Secretary for the Colonies." I think it is conciliation, and not coercion, which you want to apply to the county councils. I think you would do much better if, instead of threatening them, you did your best to show them that if they did their duty, and a financial loss was the result, you, representing the taxpayers of this country, would do your best to help them out of their difficulty. You are setting the county councils against the Government; whereas you ought to be enlisting their sympathy and their co-operation. I have no belief myself in these Commissioners touring about the country in motor cars to find a "prospective demand" for small holdings. I know what a "demand" is; but what is a "prospective demand?" Can it mean anything but that an agitation will be got up and that everybody will be told, "If you do not want small holdings, you ought to want small holdings, and you ought to be ashamed of yourselves for not wanting small holdings." I do not think that is a proper method for a great Government Department to adopt. I believe that in most cases colonies of small holdings may be said to be a success, though I should be very far from saying that there have not been many cases of failure of small holders; but it usually depends upon either the nature of the holding or the nature of the small holder himself. It is to my mind more important to get the right man than to get the land; and I hope that His Majesty's Government will not fall into the mistake of thinking that they have only got to bring the man and the land together and they are certain to make a successful small holding. I believe that in almost every case the town man will fail to make a successful small holder. The one thing which goes to make a success in that line of business is a desire for independence. With that desire you may get success, without it you will get failure. And my belief is that it would have been quite sufficient to have confined this Bill to the object of providing funds for the carrying out of experiments by the Board of Agriculture in districts where small holdings do not already exist, with a view to giving the incentive to private landowners and to county councils. I believe that that, coupled with a rigorous demand for returns on the part of county councils, and for explanations as to why they did not put into force the powers which they already possess, would have been quite sufficient, without threatening them with punishment for default, but, instead thereof, encouraging them to make every effort to give effect to the powers which have been already placed in their hands.

I am not going to ask your Lordships to oppose the Second Reading of this Bill, because, as I say, I believe it has many good points, though I think it has many points of considerable danger. If the Bill passes into law, as I have said, we shall all watch it with the greatest interest; and I think those of your Lordships who are interested in county councils will do their very best to give it a fair chance and a fair trial. If the result is in any way either to help people who are already there to remain upon the land, or to bring those who have left it back to the land, I for one shall not grudge His Majesty's Government any success that may be justly due to them for the measure which they have laid upon the Table of your Lordships' House.

THE LORD ARCHBISHOP OF CANTERBURY: My Lords, I feel that I owe your Lordships an explanation—I will not say an apology—for rising at this moment to say a very few words upon this question. I doubt whether it is generally realised how immense, in a matter of this kind, is the responsibility of the National Church upon what we may call its business side. Great as is the material interest possessed by many of your Lordships in a matter of this sort, the largest, probably, pales into insignificance as compared with the aggregate responsibility which the National Church, as a property owner, has in this particular matter.

The property of the Church of England, apart from tithes, consists in no small degree of agricultural land, and the aggregate amount of that agricultural land, scattered, as is the land of no other owner whatever, in small patches, all over the country, amounts to about 850,000 acres. That may be spoken of as divided into two parts, held in two ways. There is first the property in the hands of the Ecclesiastical Commissioners, and then there is the local property, the glebes of individual clergy. The Commissioners hold about 250,000 acres of agricultural land, and I ask your Lordships' attention when I mention how that land is at this moment divided as an evidence of what has been the aim of the Ecclesiastical Commissioners in the direction of the creation of small holdings. One thousand seven hundred and fifty acres are let in allotments, but setting that on one side, the remainder is comprised in 3,000 holdings, of which about two-thirds—that is 2,000 holdings—are under fifty acres each, and three-fourths are under 100 acres. The proportion of small holdings in a legal sense is thus very great indeed, nearly 56 per cent. of the whole are under fifty acres and 75 per cent. under 100 acres.

For years it has been a standing instruction from the Ecclesiastical Commissioners to local agents that, whenever a farm becomes vacant, its suitability for use as a small holding should be taken into consideration, and I may say that after some inquiry we have not been able to trace a single case in which a request for a small holding has been made and refused, except one case in Somersetshire, which is at this moment under inquiry. The Commissioners will be exceedingly glad if this Bill enables them to promote yet further the small holdings which they have done so much to increase in number and to make a success, and, believing as they do that this Bill will have that effect, I feel sure that I am entitled to say that they, speaking generally, give it their very heartiest and fullest approval and support.

Then, as regards the glebe lands, that is a kind of property which is unique in England because of its being divided into such very small portions, and practically extending, in those small portions, throughout the whole country. The aggregate of glebe land in England is about 600,000 acres. To the owners of that land this Bill is of the extremest importance, because it removes some of the conditions which at present render it difficult, and sometimes impossible, for the clergy who desire, for the public good, to promote small holdings so to utilise their glebes. Glebes are in one way quite specially suitable for being divided up, and used as, in a technical sense, "small holdings." First, because for the most part the glebe is central in a parish—in a convenient situation—and, in the next place, it is proverbially—or usually, at all events—some of the best land in the parish. The existing difficulties are that the owner of that glebe is hardly in any case a capitalist, and is practically quite unable to provide the ordinary equipment in the way of buildings. He is unable to do so partly because he is not a capitalist, and still more because his tenure of that land is exceedingly brief and altogether uncertain. It is, therefore, practically impossible for him to provide the equipment which would be necessary for promoting the use of it as small holdings. And then in another way he is hampered still more, because he, and he alone, lies under a strict and stern law of dilapidations which absolutely requires him, at a short interval of years, to put into repair whatever buildings exist on any part of his glebe, whatever his own financial position may be. It is quite impossible that the ordinary country clergy can subject themselves to such a liability if it rests upon them to keep in repair the buildings necessary for small holdings.

Now, my Lords, both these points have been with the greatest care, and courtesy, and thoughtfulness, met in the Bill before your Lordships. In Clause 29 arrangements have been made which ought to render possible the application of glebe lands for small holdings by the removal of those particular difficulties, at all events, which have ordinarily stood in the way, and I feel on behalf of those who desire on public grounds to promote small holdings, and who also feel that there would be no disadvantage as regards the property itself, that we owe thanks to the Government for the care they have taken in this matter.

This subject has been before some of the councils of the Church. The Convocation of Canterbury considered it with a very careful and expert committee during last summer, and that committee presented a report which was on the whole entirely favourable to the proposals of the Bill as it now stands. And, besides that, it was subsequently considered by what is known as the Representative Church Council, which contains both lay and clerical members of the Church of England, and that council voted practically in favour of some such Bill as this.

There are details which no doubt will be subsequently discussed in Committee, and about some of them I shall be anxious to hear whether any criticism is to be offered which may require the points to be gone into further. But, speaking generally, I am quite clear that this Bill ought, if properly applied, to enable the clergy to carry out their wish—a wish which has been long-standing and frequently expressed—to facilitate and extend the letting of glebe lands in small holdings. That will, I believe, from the very circumstances I have described, be a peculiar gain to the public at large and to those who desire small holdings, owing to the large distribution of these glebes and the consequent frequency of opportunities in different parts of the country which will be afforded. Nor do I believe any real harm will be done to the clergy who own these glebes. There are no set of men throughout England who are in closer touch with, and have a better understanding of, rural life, rural aspirations, rural interests, and rural ideals, than the clergy, and from the communications which I have received upon this subject, and from the part I have taken in the deliberations of the clergy and laity respecting it, I am able to say that there is a, to us, quite surprising unanimity in the reception which these proposals have met with on the part of men who, I must say, are singularly qualified to express an opinion, and who are agreed that the proposals now before the House and the country are likely to result in real good. I have no right to speak of that unanimity as absolute, but I can only say that, judging from the communications which have reached me, and from the voices which I have heard on the subject, I have every reason to believe that there is, at any rate, a practical unanimity of opinion in favour of this Bill, and I most cordially hope, therefore, that the Bill will go forward and will become law.

LORD BELPER: My Lords, in the very short time during which I propose to address myself to the Bill I shall speak principally from the point of view of those who will have to administer the Bill when it becomes an Act. I think it will be at once admitted, even from the short debate we have had here to-night, that this Bill will cast a very heavy responsibility indeed upon the county councils—a responsibility which will be more difficult to fulfil from the fact that we are to have associated with us, in what has been called in the other House a "partnership," gentlemen from London—Commissioners—who will have no special knowledge, to start with, of the county in which they may be sent to administer the Act. In addition to that there is in this Bill a proposal entirely novel. Not only will these Commissioners have the power, if they think right, of superseding the discussions of the county councils, but, having done that, they will be able to make the county councils raise the amount of loss that may accrue out of the rates. I wish to say a word about that in slightly more detail presently, but I think, having made those two remarks, it is clear to your Lordships that it was the duty of the County Councils Association, as representing the counties, to consider very carefully what the provisions of this Bill were, to put themselves into communication, at the earliest possible moment, with the Government in order to press any Amendments which they might think desirable upon the notice of the Government, and to take what steps they could to remove some of the features in the Bill which the county councils think would make its administration difficult.

Let me point out in the first place that the dual administration between two sets of authorities must necessarily create a somewhat delicate situation. If these Commissioners act with tact and judgment, and with the desire to work cordially with the county councils, I quite recognise that it may be possible to work the Act in a satisfactory manner. If, on the other hand, the position the Commissioners take up is that they are to coerce the county councils, if they approach us in a spirit of putting a pistol to our heads, and try to enforce their view before they have properly considered the conditions which govern the particular district for which these schemes have been proposed—then I think the work of the county councils will be almost impossible, and it is not likely that the Bill will lead to satisfactory results. I sincerely hope that that will not be the case. I may say for the county councils that in all the suggestions we have made with regard to this Bill we have made them with the object of improving the measure, and in no way in order to interfere with its efficiency.

A good deal has been said with regard to what county councils have done in the past. I believe it is perfectly true that many county councils have done very little. But I think the fault is not in the county councils themselves, but in the fact that under the conditions of the law as it stood they have not found it possible or safe to constitute small holdings in their districts, and in many cases there was not that clear demand which has been supposed by some people to have been made in many parts of the country. I can only say that if we are to get on well with these Commissioners I hope that they will act with tact and judgment, as I have suggested. I do not know what are the qualifications that will be sought for in these Commissioners. I only hope that the Government will in this case, as well as in the case of the Bill that we have just discussed in this House, which refers to Scotland, exercise that self-denying ordinance which will ensure that they will appoint men with knowledge of agriculture—sound business commonsense men—and if, in addition to that, they have tact and discretion, then I hope that the Bill when passed will be worked successfully. I am sure that the county councils will do all they can to co-operate in a cordial spirit, even with these Commissioners who are sent down to some extent to supersede them.

We have considered the question whether we should protest against these Commissioners being enabled to overrule the county councils, but we felt that if there were any county councils which absolutely and deliberately refused to do their work, it was not for us to stand in the way, and to say that there should not be some power which should enable the Act to be carried out in cases where the county councils declined to do so. But I do not believe that there will be any such cases, and I must confess that I feel that it is some reflection on the county councils to have put this power into the Bill. I think it is a reflection which county councils hitherto have done nothing to justify, because anybody who knows the working of the county councils knows that when they have to administer any law, they at all events do their best to administer it fairly and reasonably for all who are concerned and affected by it. And that is the spirit, certainly, in which we should address ourselves to this Bill.

In this spirit, with a view of improving the measure, we have already suggested to the Government several different Amendments for the purpose of ensuring that the work which has to be done between the Commissioners and the county councils should be done in such a way as to lead to the most satisfactory results. I should like to recognise that Mr. Harcourt, in receiving us, showed a great desire to understand, and to meet, the Amendments which we suggested. In a considerable number of cases he has accepted our proposals. There are certainly others in which he has not been able to meet our views entirely, but at all events I wish to recognise that he has met us in a most reasonable and conciliatory spirit. I can only say that our object in moving these Amendments in regard to the administration of the Bill was to ensure that the views of the county councils should be properly considered before any definite steps were settled. We wished also to ensure that the Board of Agriculture should be the master of the situation, that the Commissioners practically should be the servants and the officers of the Board, and that the Board itself should be consulted on any matters of importance which arise during the discussion between the Commissioners and the county councils, so that, if possible, we should avoid that friction which might otherwise occur, and ensure that before any such definite steps were taken as for the Commissioners to draw a scheme to over-rule the county council, at all events the views of the county council should be thoroughly known to the Board of Agriculture, and should be fairly considered.

Then I come to another part of the Bill. The part of the Bill to which I take most exception is that which deals with the financial arrangements. What are these proposals? It is necessary to state them, because I notice that the noble Earl who moved the Second Reading entirely ignored this part of the Bill, or at all events, he did not give a single argument in favour of the quite novel procedure which it is proposed to set up by it. Shortly stated, under this Bill the Commissioners will be able to impose on the county councils a scheme in this way—that, if the county council in their discretion do not think that scheme advisable, they will themselves be able to exercise all the powers of the county council, will be able to settle that scheme, and to compel the county council to raise a rate for the purpose of securing that of which they do not approve. I venture to say that these are proposals which are entirely subversive, if they are carried out to the full, of the system upon which our local government is established.

I notice that in the other House it was claimed for this Bill that it was the greatest measure of reform of agricultural holdings in the country that had passed through, or been introduced into Parliament. But if you wished to make that definition complete, I think you should also say that it is the greatest attack upon the whole system of representation on which our Local Government Acts are established that has ever been brought into the House of Commons since the county councils were first instituted. I am old enough to remember that it was a watchword of the Liberal Party that representation and taxation must go together. But in this measure you have a proposal which is entirely subversive of that principle—which would compel the authority which is representative of the ratepayers to raise a rate for a purpose of which they do not approve, and which may not be approved of by any one of those electors who have sent members to represent them on the county councils.

I know it is said that there is a precedent for this proposal. I have been more than once told that there is a precedent in the Act which was passed establishing district and parish councils. In that

Act there was a proposal that if the district council refused to carry out the sanitary matters which it is their duty to deal with as far as parishes were concerned, and if any parish complained to the county council, the county council could call upon the district council to do its duty. If it still refused absolutely to do its duty, they could then do the work themselves, and charge on the proper district a rate for the purpose of carrying out that work. I venture to say that that is no precedent whatever. What are the conditions under which that power is given? In the first place, the minor authority must absolutely refuse to do its duty—not omit, but absolutely refuse to do its duty. In the second place, the parish which is the sufferer must complain, and it must be borne in mind that it is the sufferer in matters concerning the health, and even the livelihood of the parish itself—sanitary matters. I am reminded that in that Bill I moved myself to extend that particular clause to highway matters as well, knowing how important it was, if the roads were impassable, that somebody should put them in order and that they should not have to wait until the recalcitrant authority consented to do their duty. But I venture to say that those proposals are no precedent for this present proposal, because in this case it is an outside authority which is to step in. That outside authority is to step in without any application from anybody at all, and for a matter which, however important on grounds of public policy, cannot be said to be of so serious importance for a moment as matters which affect the health, and almost the livelihood, of a particular district.

But that is not the reason why I say this is an entirely novel proposal. Granted that that is a precedent as far as that is concerned, what this Bill proposes to do is to over-ride the discretion of the county council when the county council have done their very best to form a proper judgment and to consider the matter from every point of view as fairly as they can. It is in that case that it seems to me monstrous that anybody, or any Government, should be able to over-ride the representatives of the ratepayers, and make them levy a tax for a purpose which, in their judgment, is unwise and impolitic

As I say, we thought it necessary to approach the Government on that question, and we were referred to a clause which was subsequently introduced in Grand Committee and negatived. It is Subsection (3) of Clause 5. My noble friend read it as I wished to hear it read—that—

"If it appears to the Board that the carrying out of a scheme under this Act has resulted or is likely to result in a loss, the Board 'shall'

—as my noble friend said—

"with the consent of the Treasury pay or undertake to pay out of the Small Holdings Account the whole or any part of that loss."

My Lords, unfortunately the clause stands as "may," and there is nothing to compel the Board to exercise or to say in what cases the Board should exercise their discretion under that clause. Under these circumstances, we approached the Government again with two suggestions, and as there has been some question about these suggestions, I should like to state them categorically. The first suggestion was that a clause should be introduced providing that where any county council puts the Small Holdings Act into force, and loss is thereby incurred, the Treasury should pay at least one-half of such loss, on receipt of a certificate from the Board of Agriculture that the county council has acted reasonably and taken due precaution in the matter. That, I think, was a most reasonable proposal. It was suggested that where two parties were concerned in the partnership of carrying on this work, though one had the predominant power with regard to what the scheme should be, the expenses should not be thrown wholly upon the other party, but be divided equally between the two should parties. I may say that Mr. Asquith certainly had nothing to say in argument against our proposal, and he promised to do what he could in answer to our suggestion. But unfortunately we were told that it was quite impossible to put that clause into the Bill, because in the other House they had reached a stage in which they could not deal with it without re-committing the Bill. I am not competent to express any opinion on that point, or to say whether there was any means by which it could be done in the other House, but I venture to say that in a matter of that importance, which is the only safeguard which has been given us with regard to the finance clause of the Bill, it ought to appear on the face of the Bill itself, and I think it is most unfortunate that a measure of this sort—because we have no power whatever in this House to deal with the question—should become an Act with these clauses still in the Bill, unmodified in any way, which will form a most dangerous precedent in future in the event of anybody wishing to interfere with the power of county councils in raising moneys. We now understand that there is to be a Treasury Minute with regard to that point, and I fully accept Mr. Asquith's and Mr. Harcourt's statement to us that they will carry out that proposal in a Treasury Minute. Of course, as far as that goes, we are perfectly satisfied with a Treasury Minute for the moment, but a Treasury Minute can be altered, while an Act of Parliament cannot be altered, and if a Chancellor of the Exchequer, in some year in the future, finds this charge rather a heavier one than he expected, and if, from different reasons, he finds himself rather short of cash, what security will the county council have that the Treasury Minute will not be altered, and that we may not get even the very reasonable modicum of relief which may be given us now under that Treasury Minute?

Then there was another point we asked for, and I wish to make that perfectly clear, because I understood from the answer that was given by the noble Earl that he could give us no promise or pledge of any sort or kind with regard to it. The point was in answer to a resolution passed unanimously by the County Councils Association to this effect—that steps should be taken to get a clause inserted, providing that when a county council was over-ruled by the Board on a matter of discretion with regard to the nature of a scheme and a loss was incurred, in no case should the expenditure be charged upon the county rates. This proposal was put before the Chancellor of the Exchequer, and I am bound to say that I was under the impression that he was willing to meet our views in this case. We were certainly referred to Subsection (3) of Clause 5. No doubt it was under that clause that it would be done if the whole expense was paid. But whether we were only referred to it as a clause under which power was given to pay the whole of the expense, or whether, as I thought, we were referred to the clause with the understanding that the Chancellor of the Exchequer would undertake to pay the expenses under that clause, I do not wish to press at the present moment, because in conversation things of this kind are very easily misunderstood. But what I do venture to say now is that I hope we shall have an authorised statement from some member of the Government as to what the Government will do in this particular case. It is about the strongest case you can possibly conceive. This is a case where the county council has done their best, where they have not refused to make a scheme, but where they have discussed a scheme with the Commissioners, and have only broken off on a difference of opinion as to how they should exercise their discretion. And to say that a Commissioner from outside, or the Board of Agriculture, if you like, because it is the Board of Agriculture, should in that case compel the county council to impose a rate for a loss which had been incurred owing to a mistake made by the Board of Agriculture and the Commissioners, seems to be so monstrous a proposal that I can hardly suppose any Government could make it. If it is right to do it, why cannot we have an assurance that it will be done, and that, whether by a Treasury Minute or in some other way, the Government will assure us that in a case of this sort, where it would be a gross injustice if it were not done, they will take care that the loss shall not fall upon the rates, but shall be paid wholly out of the Consolidated Fund? It is not merely a question of the amount of money that the county council has to pay. It is not merely a question of principle. That, as I have said, is, I think, a most important question, but it is not merely that question. It is a question which, unless you can settle it in some satisfactory way like that, will prevent the county council and the Commissioners working cordially together. If you have two partners in a concern, and one is to have the direction of the policy and there is a loss owing to that policy, and then part of the cost is to fall upon the county council, the other partner in the firm, such a state of things as that would make it extremely difficult for the two bodies to work cordially together, and in the interests of that object, I would venture to ask that we should have some assurance with regard to that matter.

I will not, at this late hour, discuss at any length any other feature of the Bill. I will venture to say, as I began, that while we are perfectly willing cordially to work this Bill if we are treated in a reasonable spirit, I think a great deal of the success of the measure will depend upon the discretion that you give to the county councils, and upon your not fettering them either through Commissioners or through the Board of Agriculture.

There is a part of the Bill which my noble friend Lord Onslow referred to which is, I think, of some importance—the question not of the landlord who might be put to a loss if particular land was taken, but of the sitting tenant. I do not know whether the provisions of this Bill are sufficient to cover all the cases in which loss might be incurred by the tenant of an existing farm if particular land was taken away from that holding, and the rest of the holding thereby considerably diminished in value as a farm. I do not think they are. I believe it is extremely difficult to draw a clause which will meet all the cases where a tenant might really be obliged to give up a farm because a particular piece of land was taken away from him. But what I venture to say is this. Make that as clear as you can, but after all the great safeguard will be whether the Act is administered reasonably, or whether it is not, and if you treat the county councils in a proper way, and give them the wide discretion that they ought to have, and do not over-rule them —they having the most local knowledge and the most information with regard to the conditions of the district over which they have administration—there will at all events be some safeguard that these cases will be dealt with in a reasonable and a fair way, because I think there is no body of men with whom I come in contact who are more willing to deal fairly with all cases that come before them than members of county councils.

I have ventured to make these remarks in no spirit of hostility to the Bill, but certainly with a jealous regard, not only for the work of the county councils, but for the traditions of local government, and I regret very much, as I said, that any Government should have made an attack—or has put proposals in a Bill which are an indirect attack—upon the system of local government. I hope, my Lords, you will forgive me for occupying your attention for some little while in making my humble protest against any proposals of that sort.

*EARL NELSON: My Lords, the other day I was reading that very interesting book, " The Staff Officer's Scrap Book,' and I cannot help giving an extract from Sir Ian Hamilton with reference to the subject which is now before us. I will begin by quoting these few words—

> "A peasant cultivating his own patch of land is in rather a different monetary relation towards his own landlord from a merchant who merely is making money out of it, or the facto y hand who draws upon it for wages. He owns a bit of it. The peasant owner is a strong independent man, who has a stake in his country. These are the fellows we want as soldiers, the yeomen who have been from the beginning of history, and will be to the end, the backbone of Empire."

I have read that extract, because that is the reason why I wish well to this Bill, and I hope that by means of it, in some way, judiciously treated, we may do one or two things, for there are two things distinctly which we have to do. We have to re-create the old yeoman proprietor. If you do that, and enable him to continue, you must remedy those evils which have caused him to throw up his holding. In the first place, we must have registration of land, so that the conveyance of land can be made as cheap as possible, and in the next place, if you are to keep the old freeholder when you have got him, you must prevent him dividing his land or raising a mortgage upon it.

The other thing we have got to do is to try to keep the agricultural labourer, or to draw him back on to the land. I can remember many years back when we never heard of such a thing as an agricultural labourer leaving his cottage. The reason they have gone away is because they have ceased to have a home of their own. In many cases where large farms have been held, I know that the tenant has rented not only the four or five cottages which are essential—the shepherd's cottage, the carter's cottage the machine-man's cottage—but all the cottages that he could get on the estate, and all the cottages he could get in the neighbourhood, so that the labourers were under his hand at a month's notice. That is one of the chief reasons why you find that they have drifted away from the land. In some of the parishes where I have property that has not been the case—we have not the large farms, and there you will find that there is not an exodus of labour to anything like the extent that there is in other cases. You will also find a better feeling between the labourers and the tenants. But in other cases, when Michaelmas comes round, there is a great change, and four or five families in the village go out; and if anything can be done to give a continuous holding to the labourers in the parishes, so that they may look upon their homes really as homes, that will do more than anything else in keeping them there, and in stopping the exodus which we are desirous to stop.

I have done a great deal to try and keep the agricultural labourer on the land. For the last twenty years I have given three acres and a cow, and there are some experiences which I should like to give, and which may be useful in considering this question. I will put four cases which have been failures. One was the case of a man who was not sober, and who could do nothing. Another was the case of a man—a most sober, well-educated man—and his wife. The man had been a carter, and knew not a bit about cows, and not a bit about dairy work, and they failed. The other failures were when a father or a husband died, and the woman was obliged to hire labour, and then they were unable to pay their rents. In all the other cases I have had my rents regularly paid. I have never been asked to make good a dead cow, or anything of that sort. They have done the thing, and have gone on in an independent manner. But then we had some labourers—not so many as I could wish—and they, by working as labourers, have been able to get on with their holdings, but most of them, and all of my smaller holdings of thirty acres and less, get on because they have something else to do. I have secured in this parish the butcher, the carpenter, the bricklayer, and those sort of people who would naturally otherwise have drifted into the towns. I have also let some of my land —thirty acres to one, twenty to another— to shopkeepers who are carrying on work of their own.

With regard to the rather larger holdings, under £100 a year, there is one instance which, perhaps, would be very interesting to hear about. The man has about eighty-seven acres. (I ought to say that in all these cases I have a common which has never been enclosed, and that, of course, is a help to them.) This man has about 700 hens and about fifteen cows. His wife is a good dairy-woman; he himself is a hard worker—he is a higgler, and collects eggs and things round—and last, but not least, he is within about twelve miles of Southampton, and has a market with the steamers sailing from Southampton. That man has done so well that there was another small farm of mine of a different character, and therefore a cheaper farm per acre, which this man's son has just taken, and I have every reason to believe that he will be as great a success as his father. I would say one more thing in reference to that land. One of the large tenants had been a shepherd for some years, and I was able to put him on this land, with his son, and as long as he and the son lived they were able to go on, but as soon as they died, and the daughters had to hire labour, they allowed me to take the land and let it to these other persons to whom I have referred.

There is one thing to be noted here, and it is a lesson we may well think of. We must be very careful whether we put fifty acres or £50 as the limit. In this particular farm the man had enough land, when he took it, to employ two horses and a half, and he asked me to allow him another twenty-five acres, because then he could farm, and farm well, having enough for three horses. That is one of the things to be remembered, and the other thing is, of course, that you cannot farm fifty acres of heavy land when, perhaps, you could farm sixty or seventy acres of light land. But, depend upon it, in the case of all these small farms, they will not be successful unless the men have something else to do. One of my men has thirty acres. He does all the woodwork in the locality—makes hurdles all through the winter. He is perfectly certain to get on. Therefore I am quite certain that there is a possibility of encouraging these men, but you must be very careful. I was anxious to get one of my large tenants to introduce the Northumbrian system of giving his labourers a cow. He had two labourers who had been fourteen years with him, and when we inquired into the matter we were obliged to give it up. In one case the woman was not able to do anything; she was more or less of a slattern. And in the other case the man had taken a little to drink, and had no money to invest. There is one other thing I would like to caution you about, and it is this—that you may be quite certain you will never make a success if the man has to begin with borrowed money. You must wait for them to have money of their own, and then they have a chance of success.

There are two other things I should like from my experience to caution you about. One is this. A grandfather of mine had a lot of squatted holdings at 2s. 6d. a year, leaving the men, without any direction, to put up a cottage of their own, or to make an orchard of their own, upon the land, and letting it to them for three lives. All these lives have now fallen in. Of all those cottages, I never had a desire expressed to renew the lease, except one, and that was a public-house, and as soon as it fell in I would not allow it to be continued as a public-house. In all the other cases every one of these cottages was in a disgraceful state. Most of them had fallen down, and the three or four that I kept I was unable to let, until I had laid out from £50 to £100 on each of them. That is a specimen of the dangers of long leases unless you are very careful, and see that the houses are properly built, and that the men have money, and are likely to carry out the thing properly.

There is one other instance that I will venture to give you, because I think that also may help us in the consideration of this Bill. There was an Act passed some years ago—I think about eighteen or nineteen years ago—called Lord Salisbury's Act. That Act was for enabling glebe land to be sold with the consent of the patron, and it will interest you, if you have not seen any account of it, to know what happened in that particular case. There were forty-seven acres of heather land with very little gorse upon it. In that case the common had been enclosed, and this forty-seven acres was the share of the rector, acre for acre, of the glebe land that he held. He was able to do nothing with it, and when he died the fence had all dropped down. His executors had to pay £100 for the fence. When the next rector came I advised him to go under Lord Salisbury's Act, and I think we were the first people to take advantage of that Act. It is one of the rules of the Act that houses must be properly built; they must cost at least £120; the land must be properly drained; and all that is in the title deeds. They are bound to do that, and either the Board of Agriculture or the person who sold the land had the power to go in and see that the buildings were kept in proper repair. Otherwise they had the freehold. There were seven acres in single acre pieces, and the rest were respectively two fifteen acres, and ten acres, making up the forty-seven acres. When the land was taken over the rateable value was £6 a year. At the present time there are seventeen houses upon it, and the rateable value is £126, and one of the men who has been there from the first told me that the land sold originally for £15 an acre, while the price of the land now, independent of the cottage, is £75 an acre. Of course, it is used for market gardening, and it is very well done, but my point is that you would never have got these men to spend their money and their labour upon this land if it had not been their freehold. I do not think it would have gone at all unless it had been their freehold. These things are worth thinking about at the present time, though it is perfectly true we have not got the agricultural labourer—it has fallen very much into the hands of the market gardening class, and one of the original holders now holds, with his family, about twenty-three of the forty-seven acres in his hands. But there they are, and they make a great deal by strawberries. One man tells me he made 13lbs. of strawberries out of an eighth of an acre.

There is one other thing I feel very strongly, and that is that you may get success by giving leases; but the real solution of the matter is to get men to buy the land, and to get men to buy it who have some money of their own. It is not so great a delay as many would be disposed to think. The other day I myself sold some outlying cottages and a blacksmith's shop. The man not only paid me a fair price for it, but within the year a very good house of his own was built upon the freehold, and in another parish one of the landowners sold all her cottages, and I believe they were all bought by independent holders, and they are now freeholds. In one case an old gamekeeper of mine had saved enough money, and he not only bought a bit of land with a cottage upon it, but he repaired the old cottage and built himself another. Therefore it is perfectly certain that if we are careful we may do well in the matter, but what I would point out is that if there is not very great care in the first selection, every failure that happens will throw the work back and prevent people from desiring to attend to land.

There is one other thing I feel very strongly, and I hope that many a landlord will let land on long leases from himself. If he does so there will be a chance for a struggling man to get on, if he is a good man, and has a bad crop, or loses two or three cows, or something of that sort, the county council has not got a heart, and will not be like the landlord, who would be able to help a good promising tenant by a small gift to make his loss good.

I have no more to say upon the matter. I hope that good may come of this Bill. I think it is possible we may amend it in some particulars. I should be very pleased indeed if more could be done to ensure land being bought outright. I am certain that would be the surest solution, and would enable us better than in any other way to restore the people to the land.

*EARL FORTESCUE: My Lords, I would like to begin the few remarks which I intend to make to your Lordships by expressing a sincere hope that this Bill will succeed and will result in increasing the population of our rural districts. But I do not think the noble Earl is quite justified in treating it as a development of the Bill of last year. That measure was intended, as he told us, to secure tenants against capricious eviction, and, by giving them stability of tenure, to encourage them to invest money in their farms, and thereby to increase the productivity of the soil. In the present measure the stability of the sitting tenant is not overmuch regarded, and the main object of it appears to be to increase the rural population without very much consideration of the economic production which may follow in consequence. I think I am justified in saying that by the speeches made in its support both here and elsewhere.

The Under-Secretary of State for the Colonies has informed the agriculturists of this country that the condition of things in Denmark is what they ought to imitate and aspire to. Unfortunately, Mr. Winston Churchill does not seem to know a great deal about farming. He made a trifling mistake of 18 per cent. to begin with in the proportion of lands under crop in Denmark, and then he went on to assume that because the Danes kept more cattle and more pigs per thousand acres than ourselves, their system of farming was altogether superior to ours. But, unfortunately, the facts do not quite justify his assumptions. The figures are per thousand acres: in Denmark, 264 cattle, 225 sheep, and 208 pigs; while in the United Kingdom they are 239 cattle, 629 sheep, and 76 pigs. It is true that shows that we keep twenty-five head of cattle and 132 pigs less per 1,000 acres, but as we keep 396 sheep more on the same area I think everybody who understands farming will admit that the excess of sheep fully makes up, and more than makes up, for the deficiency in bullocks and in pigs. And we are quite equal to the Danes in other forms of produce also, for according to the Returns issued by the Agricultural Department, both in grain and in hay the average produce per acre in this country is equal to, and somewhat better than, it is in Denmark; while we get the yield by employing thirty-six people to the 1,000 acres instead of seventy-three. It has always been agreed that a man who makes two blades of grass grow where one grew before is a benefactor to his species, but I have never heard that the same commendation was to be given to the man who, while growing only the same quantity of grass as before, had to get another man to help him to do it. The fact is that in Denmark the extra thirty-seven people are only employed in agriculture because there are not sufficient trades for them to get a living elsewhere, while in this country those who are not so employed have either removed into a town, where they help to swell the demand for agricultural produce, or else, by emigrating to our colonies, are increasing the demand for our manufactures. I am sure it is altogether a mistake to suppose that the agricultural labourers who leave the agricultural districts swell the ranks of the unemployed. They are able-bodied men, who may displace others in the towns into which they move, but who themselves do not become unemployed. The truth is that greater population is not at all the same thing as profitable employment. The most certain method, perhaps, of restoring both in the rural districts would be the utterly absurd and impossible one of re-enacting the corn laws and prohibiting the use of machinery. In that case everybody would be ready to till the land for corn, and any number of people would be required for the purpose if machinery was prohibited, and all had to be cut with the sickle as it was a century ago, when the state of things prevailed in Lincolnshire of which the noble Lord told us earlier in the evening.

We have heard nothing in this House—and little or nothing has been said in the other House, I think—about the great economic forces which are always at work, and will always assert themselves in the long run, whatever our legislation may be. I sincerely trust that the policy of the Ministry in this Act will be a success, for I am quite ready to admit that in many parts of rural England there is room for more people, but I do not think it is sufficiently realised that the labour which is employed on the farms must be proportioned to the output if farming is to be successful. Some people talk as if farmers had a natural disinclination to employ labourers, and as if they discharged labourers whenever they could. That is a complete delusion. A farmer is quite ready to put on another man, and to pay him 15s. a week, or £40 a year, if by so doing he will get £50 or £60 more of produce. But if, by discharging a man and buying a machine, he is able to reduce his wages bill, and still maintain the produce of his farm at the old figure, that course obviously is to his advantage, and that is the reason for a great deal of the depopulation of the rural districts. Every decade our manufacturers claim that they are maintaining and increasing their output by improved machinery, although they employ fewer hands, and I really do not know why the land system should be blamed because those connected with it have followed exactly the same procedure. If it were not that modern improvements have enabled us to do so much more with machinery on the land, it would be more difficult than it is for labourers to rise in the world, because it would be impossible for them to employ the other labour necessary to work even the smallest holding; but I must say that I think the difficulty of labourers getting on in the world has been very much exaggerated. This Bill may give them greater facilities for doing so, but I am certain that wherever there are farms of a moderate size a little inquiry would show that a very large number of the men who are farming the land have really begun at the bottom of the ladder. I have made some inquiry about my own estate, and I have found that in Devon and Somerset more than 40 per cent. of the land I have let is let to men who were either labourers, or village artizans, or the sons of such. Half the holdings are under fifty acres, and the rents run from something under £10 up to £260, while the areas farmed vary from three acres up to 700 acres. But the population of the parishes in which the property is situate has decreased by 20 per cent. in thirty years notwithstanding.

If I am not wearying your Lordships I should like to be allowed to give some further particulars to establish my case. On three adjoining moorland parishes, with a combined population of about 1,000, where I own the great bulk of the land, I have nearly 13,000 acres let to forty-eight tenants, and only six of those belong to the farmer class; two are great-grandsons of labourers; two are grandsons of labourers; thirteen are sons of labourers, and twenty-five are labourers. But the population of these parishes has gone down 12½ per cent. in thirty years. I find much the same thing in another district where, in lower and more fertile country, I have over 3,000 acres, and where, out of twenty tenants, the majority both in numbers and acreage belong to the labouring class. No one can say that in these parishes labouring men have not had a chance of climbing the ladder, but the population there has diminished largely all the same. And there is nothing unique about what I have told the House, at the other end of the county, 60 or 70 miles away, Miss Jebb found that over 25 per cent. of the holdings in certain parishes were in the hands of men of the labouring class.

The truth is you cannot get people to live on the land if they can do better for themselves off it, and whether this is possible on a large scale is, I must say, unless circumstances are very favourable, exceedingly doubtful. The mere opening up of prospects of promotion for labourers, excellent and desirable as that is, will, as I think I have shown, not be sufficient in itself to keep up the population of the rural districts. I can remember not so very long ago when "free trade in land" used to be one of the cardinal points of the Liberal creed, and I must say that I wish that instead of making the somewhat artificial proposals which they have put before Parliament the Government had taken a more courageous course, and sought to remove the fetters which prevent free dealing with the land of the country. We hear a great deal about the risks of small ownership on account of the tendency of small freeholders to mortgage their land. No doubt they do that freely, just the same as larger landowners do, because it is the only way in which they can raise money. If dealings with land were simpler and cheaper than they are, and if a small owner who wanted money could sell a bit of his holding—as he can, I believe, in every other country under the British flag—with a minimum of legal expense and trouble, there would be much less of mortgaging than there is at present.

In conclusion, I have only to thank your Lordships for the consideration with which you have listened to me, and to say that I hope the Bill may fulfil some of the expectations of the promoters, but as a free trader I wish that the Government had gone in for a more courageous policy rather than for one which I fear may lead, in many quarters, to both friction and disappointment.

*THE EARL OF POWIS: I should not venture to intrude upon your Lordships' House were it not for the fact that I come from a district which has, perhaps, as many small holders as any other part of this country.

The noble Earl the President of the Board of Agriculture opened this debate by saying that the object of this Bill was to restore to the agricultural labourer some of the conditions under which he lived in the earlier part of the last century. I do not think the agricultural labourers in this country will thank him very much if he restores them to the conditions of 1800. He gave us a glowing description of the Duke of Ancaster's estate in the year 1800; but I venture to suggest that if the noble Lord paid a visit to the Earl of Ancaster's estate at the present time he would not find that many of the labourers desired to change the conditions now existing for those of 1800. At any rate, I think that there are very few of your Lordships' estates where the labourers are not in a very much happier condition now than then, and that they would not thank you if you offered to restore them to the conditions which prevailed in 1800.

My Lords, I prefer to take the reasons for this Bill which were given by the Lord Chancellor for another Bill which was brought before your Lordships' House a few days ago. The Lord Chancellor drew a most harrowing description of the condition of the large towns. I am sure we all realise, and desire to alleviate, the terrible state of overcrowding in many of our large towns, and we also realise the disadvantage of depopulation of the rural districts, both as regards physique and for many other reasons, which cause us all to wish to see the population returning to the country and not leaving it. But I venture to ask: will the Bill which His Majesty's Government have produced, and which they ask your Lordships now to read a second time, produce any result in that direction? If the noble Earl the President of the Board of Agriculture thinks it is going to produce anything in that line, I am afraid he will find the Bill is, like the Act of 1892, which he criticised to-night, a "pathetic failure." Whether the Bill will be a "pathetic failure" or whether it will not, I venture to ask: has His Majesty's Government made any inquiry into the question of whether depopulation is arrested in the rural districts where large numbers of small holdings exist? Of course I have not the opportunities which His Majesty's Government have for making those inquiries; but I have made inquiries in my own neighbourhood, where, as I have said, we have a great number of small holdings; and what do I find? First of all, I take the Return which was presented to your Lordships by His Majesty's Government, a Return of the agricultural holdings in Great Britian. On p. 5 I find "Wales;" and there I find that the small holdings of all kinds, both from one acre up to five acres, and from five acres up to fifty, have increased in Anglesey and Cardiganshire. And then again, on the previous page, I find the same thing in the county of Hereford. There is also an increase of holdings between five and fifty acres in the county of Montgomery, from which I come; but there is almost a corresponding decrease of those between one acre and five acres. So there is not much in that point. But what I venture to draw your Lordship's attention to is this: if you will compare the census of those counties, you will find that there has been an increase of 445 small holdings in Anglesey; 171 in Cardiganshire; 250 in Herefordshire; and fifty-seven of the larger kind in Montgomeryshire, though in the last named there has been a decrease of fifty-five of the smaller kind, so that it only makes a difference of two on the whole. The decrease of the rural population has been in these proportions: 8 per cent., 3 per cent., 3 per cent. and 7½ per cent. If you take into consideration the excess of births over deaths, the loss by emigration has been from 3 per cent. up to 16 per cent. of the population. I do not think those are very satisfactory figures, or very hopeful figures, for His Majesty's Government, if they hope to see, to any considerable extent, this large population pouring back from the towns into the country by the operation of this Bill.

Then again, I have had figures taken out for my own part of the world, for over forty parishes where I have some property; and what do I find? There are as many as 2,000 small holders in the district to which I refer—considerably over 2,000—and that gives an average of about fifty small holdings to every parish. And what else do I find? In almost every one of those parishes there is a considerable decrease. As a matter of fact, there is an increase in five parishes. In one parish it is a town population, so we can dismiss that one; the next one is a mining population, and there is a slight increase there; then there comes an agricultural population, and that has increased by five. Then there is another parish where the increase is due entirely to an addition to the parish in the shape of a township which has been added to it within the last twenty years. The fifth and last one is a rural parish where they have a magnificent addition of thirty-seven to the population. That large addition to the population is explained in this way: that is a parish where I sold a considerable number of small holdings a few years ago; and I dare say that will give a great deal of pleasure to the President of the Board of Agriculture. But what was the result of my selling these small holdings? I find that the increase in the population is due to the fact that out of the holdings which I sold several of them were broken up into building lots, and have been turned into small villa residences for shopkeepers in the neighbouring town. I do not think those are very satisfactory figures for the success which is to attend this tremendous change, the greatest change, as I think the Prime Minister said, which has disturbed any agricultural community of recent years.

But, I am not criticising this Bill because I am opposed to small holdings. As a matter of fact, I can prove to you very easily that I am not, because on my property I have as many as 640 holdings of between one and fifty acres, which is the exact figure of the Bill of the Government; and on my Welsh property 85 per cent. of my holdings are between one and fifty acres. I do not want to go into the question of the management of my estate before your Lordships, and I only quote these figures to show that I am not criticising the Bill from any hostile spirit to small holdings. I am very strongly in favour of small holdings where they can be wisely placed, and placed without injustice to others. I venture to say that this Bill causes injustice to landlords. I do not say that there is anything in that which would very much trouble His Majesty's Government, though I know they have been courteous and kind enough to reserve to us our parks and gardens. But, I say it is also a measure of injustice to tenants and labourers. If the Bill is to have any considerable effect, it must necessarily displace a considerable number of labourers, because, of course, there is not a very large number of labourers who are able and skilful enough to get sufficient capital to start small holdings. I am glad to say that, as far as that is concerned, I could show the President of the Board of Agriculture many labourers in my part of the world who have been able to do so, and I attribute that to the fact that the district is more suitable to small holdings than, perhaps, is the county of Lincolnshire, which has been referred to so often in this House. But I venture also to say that it is unfair to the sitting tenant, and that it must cause a feeling of insecurity when the sitting tenant feels that at any moment the Commissioners may swoop down upon him and take some portion of his land.

My Lords, last year you laid tremendous stress upon giving security to the tenant farmers of this country; and landlords were painted in somewhat black colours. The necessity for security being given was then said to lie in the fact that it was necessary for the proper cultivation of the land. I say that what you gave in 1906 you are removing in 1907; and if the Government when they brought in the Bill of 1906 had in their minds the Bill of 1907, I say they were perpetrating a fraud upon the agricultural population. I venture to ask why it is that a Government office is to be allowed to act in such an arbitrary manner to the tenant farmers of the country. If a private individual acted in a similar way, every supporter of the Government would be stumping the country from end to end, crying out against the injustice of the landowners. I think the tenant farmers would be perfectly willing and ready to part with their land if it could really be shown to them that it was for the benefit of the whole community, and they would be ready and willing to put up with the inconvenience which must necessarily attach to a portion of their farms being taken from them. I say they would be ready and willing to put up with that inconvenience if it were shown that it really was for the benefit of the community at large. But where the injustice comes in is, that the Government make the tenant farmer pay for the very thing they are going to take away from him. He is the one sufferer more than others by the Bill which you are bringing in. Is it not the fact, and do you not all know perfectly well, that the tenant farmers in a parish are always the largest ratepayers ,excluding the landowner; and is it fair to make the man who suffers most by the Bill pay the other sort of bill which you are imposing upon the country? And have not already the Commission on Local Taxation reported that the incidence of local taxation is very unfair, and the Governments of both Parties declared that the opportunity was only wanting for them to remedy the injustice of the present system? I find that specially referred to in the Report of Lord Onslow's Committee, which quoted from the Reports of the Commission on Local Taxation.

That brings me to the Report of Lord Onslow's Committee, and I only wish His Majesty's Government had followed that Report a little more closely than they seem to have done. I conclude that His Majesty's Government studied that Report, but, as far as I can make out, they seem to have ignored it in almost every respect. I am reminded of a man who complained to his friend: "You asked So-and-so to give an opinion, and then you never followed it." The friend said: "Oh, yes, but, of course, I only asked for his opinion so as to make up my mind in the opposite direction." I think that is the way in which the Government have treated the Report of Lord Onslow's Committee, and I will quote to your Lordships a few of the recommendations of that Committee. One of the strongest recommendations they make is, that small holdings should be provided by the State by taxes, not by rates. Secondly, they state that they do not approve of compulsory hiring. The noble Earl (Lord Onslow) has referred to that question to-night. Thirdly, they recommend that advances should be made to landowners—and, especially, they lay stress upon the fact that that is the most rapid means of providing small holdings on a sound and economic basis. The Government seem, as I have said, to have made up their minds in exactly the opposite direction to what the Committee have done. They propose by this Bill that small holdings shall be principally provided out of the rates, even against the judgment of the county council; secondly, they proceed by compulsory hiring; and, thirdly, they do not recommend making any advances to landowners. Sir Francis Channing—who evidently, judging by his remarks, is not what I should call a friend to the landowner—strongly recommends proceeding by loans to landowners as being the best instrument of State policy ready to our hands. Those are the words of Sir Francis Channing. Then further, Mr. Munro-Ferguson says in that Report that to improvise small holdings in hostility to that system would be to court failure at the public expense. I have already quoted the Prime Minister as saying that this is the greatest change that has ever taken place; and I think I may venture to say that it is not likely to be received with open arms by either landowners, tenant, farmers, or labourers. Mr. Munro-Ferguson proceeds, in a characteristic manner, to remark that it is not necessary to burn down the house to roast the pig. But I venture to say that although it is not proposed to burn down the whole house, you are at any rate setting fire to the kitchen, and that that causes a very strong feeling of insecurity in the other parts of the house.

I think His Majesty's Government will have to search a great deal further if they wish to find a remedy for the depopulation of the rural districts, and to stem the tide which is flowing towards the towns. We have had pointed out to us in some of the Reports which have been presented to this House the causes which tend, and I know your Lordships are very well aware of them, to this depopulation. Is it not brought about by the spread of education, and the class of education which is given to the children in the national schools, by machinery, by the higher wages in the towns and mining centres of the country? And is it not also brought about by the greater attractions of the towns as compared with the country? I think those are the principal causes of the depopulation of the rural districts and of the flow to the towns.

I do not know whether I shall be thought to be presumptuous in venturing to suggest one or two possible remedies. I do not say that they would stem the tide, because I think we have got to look very much further, and the question how to stem this tide is one which must naturally puzzle the greatest statesmen. We know perfectly well that it is a tide which is flowing in every country in Europe where there is an agricultural population, and where there are also mining districts or populous towns. But, I venture to suggest that something might be done by the establishment of State forests and, possibly, by loans to landowners to afforest waste lands, and also by the improvement of education—certainly in our rural parishes, and even in our urban districts, where I venture to suggest that more suitable agricultural education should be given, the youth of those districts instructed in forestry, and better instruction given in botany and chemistry. I venture to think that those are some ways—small trifling ways perhaps—in which you might help to stem this tide. But I do not think, as I said before, that you will altogether solve the problem; it is probably a question which passes the wit of man to settle altogether.

As I have said, I am not an opponent of small holdings, and I think I have shown that I am not. All I wish to say is that I do not altogether approve of the Bill which has been presented to your Lordships' House by His Majesty's Government; but I hope and trust that, if noble Lords on this side of the House meet His Majesty's Government in a spirit not at all hostile but even friendly to that measure, noble Lords opposite and His Majesty's Government will meet this side of the House in an equally friendly and conciliatory spirit, and that we may look forward with some hope to seeing the Bill—I will not say considerably, but at any rate to some extent, amended, so that it may become a more useful measure, in our opinion, and also one more agreeable to the agricultural community of this country. I thank your Lordships for having listened to me so patiently.

THE DUKE OF NORTHUMBERLAND: It is rather curious, my Lords, to contrast the very different course this debate has taken from that which we recently had upon the Scottish Bill. Upon that occasion, the only speakers on the Government side confined themselves to, I had almost said, commonplace generalities. They told us much of the evils of overcrowding, of the depopulation of the country, and so forth, but they told us very little of the machinery of the Bill; and they never attempted to defend it. To-day, almost every speech, until the last two or three, has been devoted merely to details of this measure, and nothing has been said about the general principles involved. I can only suppose—and if my supposition is right, I entirely agree with noble Lords opposite—that they felt that while the machinery of this Bill was defensible the machinery of the Scottish Bill was entirely indefensible.

But, my Lords, I venture on the present occasion to ask you to allow me to say a few words upon general principles, instead of merely dealing with details. I will not repeat again—I will ask noble Lords to believe—that I am quite as conscious as any noble Lord here of the evils of overcrowding, of the depressed condition of great portions of the populations of our big towns, and of the great desirability, if it be possible, of bringing them back to the land, and of the great advantages generally of a country life over an urban one. But I would ask, what is really the cause, what is at the root of the phenomenon which we see in every country in Europe at the present time, and especially in our own—the tendency of the poulation to go to the big towns? Is it not plain that it is because, for the greater part of the nineteenth century, we were under the domination of the Manchester School who put money, and the making of money out of manufactures and trade, above everything else as the one means of saving this country, whose fiscal policy tended in the same direction, whose care for the agricultural labourer and for the interest of any class which was dependent upon the land was *nil*, who allowed all this condition of overcrowding which they were causing to grow up in the towns without an effort to stop it? And, having gone on for more than half a century in that particular line of action, the very party who most upheld the Manchester School (led by Mr. John Bright of the Manchester School of those days) comes forward now and tells us that they deplore this very condition of things which they themselves have brought about.

Now, what is the real cause of the tendency of rural populations all over Europe to go to the towns? It is because every nation in Europe has become a nation of manufacturers; and, as M. Méline tells us in his book, there is considerable doubt whether the whole of Europe has not gone crazy over this manufacturing mania, and is not guilty of a great deal of over-production which is causing a great many other evils which we need not touch upon to-night. I think that should be remembered; and if the interest which the Government takes in this measure is really a sign that we are returning to a more sane view of economic questions, I am sure that we shall all hail it as a sign of a wiser policy than that which has been pursued in the past.

I have always believed—I was brought up by a school that believed—that the land was the most important capital that the country possessed, that it was the one inalienable asset which any country had, and that no country could be prosperous unless the classes who lived and were dependent upon the land of the country were prosperous also. That was a very old fashioned idea fifty years ago, and we are only, I must once more repeat, reaping the consequences of our forgetfulness of that great truth.

Now, my Lords, you want, if possible, to improve the condition of those who are dependent upon you, but before I go to that, allow me to quote one passage which occurs in the Report of the Committee presided over by my noble friend Lord Onslow. It is a curious passage. Speaking of the difficulty of comparing the distribution of land in this country with that which obtains abroad, it speaks of—

> "The large extent to which in small farm countries plots of land of minor extent included in the agricultural totals are, even more largely than with ourselves, occupied by persons engaged in other local or small domestic industries. The prominence of these industries is less usual in countries like our own where many petty local trades have been displaced or extinguished."

By what have these petty local trades been displaced or extinguished? By manufactories. Again, I say, everything points to the conclusion that the real cause of the depopulation of the country in the past is the utter disregard of the welfare of those employed upon the land, and the undue impetus given to everything which tended to draw the population into the towns.

Now, my Lords, I ask, what has the Liberal Party done in the past for that population? Who was the greatest opponent of the Factory Act of the late Lord Shaftesbury? Mr. John Bright. Who passed the first Public Health Act worthy of the name? My noble friend Lord Cross, in 1875, under a Conservative Government. When did any one of the Liberal Party take the smallest interest in the agricultural labourer, or the smallest interest in agriculture? In the year 1885 immediately after they had received votes, and then we had an election fought on three acres and a cow.

I have another reason for hailing this measure with satisfaction. I hope that it will open the eyes of some of our political economists. I am sorry the noble Lord the First Lord of the Admiralty has left the House, as I cannot help calling attention to that very remarkable statement he made to us the other night, when he told us that the relation of landlord and tenant was an instance of dual ownership. That astounding statement fell upon an astonished House, and fell upon the still more astonished Party opposite I think, for it acted as a douche of cold water which entirely silenced, for the rest of the evening, all the Members who occupied the opposite benches. No, I believe I am wrong. I believe the Lord-Lieutenant of Ireland struggled to the surface for a few moments, but the cold water was too much for him; he sank, and nobody took his place, and, for the rest of the evening dead silence reigned upon the benches opposite. And yet that noble Lord, equipped with that knowledge of economics which he showed, will go down to public meetings and will cry up free trade and denounce tariff reform and all the rest of it with the greatest confidence. I cannot help thinking that that sort of thing will speedily die out if your scheme of increasing small holdings really succeeds; and I doubt, if the number of small holders is so increased in this country that it should become a quantity not negligible in general elections, whether some of the most earnest free traders will not change their views with regard to the taxation of food. I was very much struck by what I thought was the commencement of a concession to-night on the part of the noble Lord the President of the Board of Agriculture, because I observed that amongst other advantages which the small holders had in the beginning of last century he mentioned the fact that corn was at 113s. per quarter. I quite agree with the noble Earl: it is a great advantage to the small holders.

Earl CARRINGTON: I said corn was 113s. a quarter, and that it showed what an advantage these small holdings were. Even with that difficulty, he was able to make a good living and educate his children well.

THE DUKE OF NORTHUMBERLAND: There is the difficulty of a man getting 113s. for his corn. Of course it is notorious that in every country in Europe which has a large number of small holders you have protective duties, and you will have them in this country if you get small holdings, because, in proportion to their number, small holders would make this felt at times of general election. I very much doubt whether the noble Lord will have the opportunity of putting that to the test, because I do not think his Bill will produce small holders to that extent.

Now I want to turn for one moment to what, perhaps, I ought not to mention. Noble Lords have mentioned their own experiences. I am going to turn to a case of my own as a test of what has really been going on. Let me begin by saying that what I said about the advantages of a tax on corn to the agricultural labourer I decline to be considered to be in favour of this or that political and economic doctrine. I frankly confess I have proceeded very little further in the study of political economy than apparently the noble Lord the First Lord of the Admiralty. I have studied so far that I am aware how little I know, and I never, if I can possibly help it, express an opinion in public for fear I should be talking nonsense. When I hear that there is such an enormous demand for small holdings in the country, I ask myself: What have individual landed proprietors been doing all this time—all this time your Manchester school has been forcing the labourers into the towns? I assert they have been trying to stop and counteract the very thing which noble Lords opposite and their followers have been doing. If I ask you to allow me to mention some figures in my own case, I shall do it with two provisos. I am not mentioning them because I think they are exceptional, but because I think they are a fair example of what all landed proprietors, or the vast majority of them have done. In the next place, I am not, of course, taking any personal credit to myself, because it is a state of things which I inherited and which existed years before I had anything to do with it. What is the case? On my own estate in Northumberland I have 331 persons occupying small holdings from five to fifty acres, covering 3,540 acres, and I have 279 tenants occupying from four to five acres, covering 1,116 acres, a total of 610 tenants and 4,650 acres. The noble Lord told us to-day that he had quite recently got 2,000 acres of Crown land turned into small holdings. I am sure we all congratulate him upon it and hope his small holdings will prosper and flourish. I did not quite understand some of the conditions, but I am very glad to hear that the Crown has land which will yield 1,000 rabbits an acre, and which immediately after will apparently yield 25s. an acre. I am afraid my property is not so elastic or gifted as that. Here is a case where I have got just double or rather more than double the number of acres that the noble Lord has been able to get of Crown land. Would you believe it, I am one of the landlords whom the Prime Minister quoted as an instance of landlords who would not let anybody have small holdings? Perhaps I am unwise to tell that, because I am bound to say the Prime Minister did not mention my name. It is, however, a fact. The Prime Minister on 24th April was asked by Mr. Lane-Fox on what official information he relied in making the statement that in one district after another the demand for land for the purpose of small holdings was met with a blank denial—of course that gives you the impression that the person who gives the blank denial will not have anything to do with them—and whether he could lay information before the House giving names and districts he referred to. He did give a good many districts, and amongst them was Leamington, where land—property of mine—suitable in the opinion of the committee of the county council, could not be obtained, and where it was resolved that information to that effect should be given to the applicants. I suppose that is an extract from the minute of the county council. What it means I do not quite understand. Whether it means that the committee thought it was suitable and could not be obtained, or whether it means the committee could not obtain any land that was suitable I do not know. It is a most ambiguous sentence. At the same time it is a fact. There is the report from the committee of the county council, a perfectly correct report, and the Prime Minister quotes it in such a way and in such a connection as to imply that the landlord to whom he refers was ununwilling to let any land for small holdings. I do not want to detain the House. It would be of no interest to the House if I were to give the reasons I had for refusing the application. I could justify my position. What I complain of is that these cases are taken in that manner without full inquiry into all the circumstances, and that landlords are put in an absolutely false position and held up as entertaining views they do not entertain.

I am afraid, although I have a certain number of small holdings—and I trust tenants prosper upon them — that there is not any hope of extending them to any great degree. There is a society which is reported upon by the Committee presided over by Lord Onslow, called the Northern Allotments Society, and it exists at Newcastle. I do not want to detain your Lordships by reading a long extract to show the work of that society, but it is really not a small holdings society at all. It is a society which very wisely, from their point of view, buys land up and turns it partly into building land, partly into accommodation land, and partly into small holdings, thereby managing, as I understand, to pay on one kind of property what it loses on another. It is not, however, an association for small holdings, pure and simple, and is no proof of the success of small holdings. So much is this the case that when the evidence was given before Lord Onslow's Committee, Professor Long said that the estates of the society were not small holdings in the strict sense of the word. That is the only society of small holdings I know in Northumberland, and, as I say, although a certain number of small holdings would prosper in the North of England, I do not think you would get a very large extension of them here. The reason is palpable. Land is not for the most part rich, and such land as is rich is not near a good market, and the climate is a very rough one. We never get much heat in summer.

I want to refer for a moment to another matter. I know what is going to happen in Northumberland and probably in other parts of England. The Commissioners are coming down and going to make a sort of propaganda in favour of small holdings, inciting the people to make a demand; and, if there is any difficulty on the part of any landlord, no matter for what reason, he is going to be held up as the Prime Minister holds me up, as an obstruction. I protest very much against this everlasting talk about a demand for small holdings. You can create a demand for anything. Nobody ever tells us whether people who demand them are the sort of people who ought to demand them, and whether they are capable of making the business a good one. I look with a great suspicion upon the idea of these Commissioners coming down in a sort of roving undertaking—with that unfortunate word "prospective" in the Bill—to enable them to keep up this agitation. I do not object to it so much, or at all on the part of the landlord, but I do object to it very much on the part of the tenant. No tenant in future in this country can ever have fixity of tenure, because he will always be liable to have his land taken from him compulsorily. For that reason, I think that the Commissioners' action may be detrimental to the tenant; but I think it will be detrimental to the small holder if, by holding out hopes to men utterly unfit for the work, unqualified for making them a success, they tempt people to demand small holdings and then attempt to satisfy them. I want to know what the reports of the Commissioners are likely to be. I ask that question because there was an unfortunate return which was mentioned and criticised much earlier in the session, and which I am sorry to say throws, in my mind, the greatest doubt upon the return which in future will come from the Board of Agriculture. You will, my Lords, remember the circumstances. This return was a memorandum of the evidence contained in Parliamentary papers as to the demand for allotments and small holdings, and as to the difficulty of obtaining land for these purposes. I venture to think if any simple man read that he would think that the words as to the demand and as to the difficulty meant where there was a demand and where there was a difficulty and that therefore the evidence would have been given on both sides. It was notorious, and it was admitted by noble Lords opposite, that the memorandum was not fair, in that they had taken all the evidence in favour of the demand for small holdings, and had left out the other evidence, which, by the way, was two-thirds of the evidence at their disposal. The serious part is that nobody who knows the noble Lord will believe for one moment that he would do anything which was not fair or strictly in accordance with political honour. It therefore comes to this, that in future it is lawful and honourable for a public office of the Government to send out a return, which if *suppressio veri suggestio falsi* does not describe it, I cannot find a term which Parliamentary debate will allow me to employ. That in future is what I understand may be expected from Government offices. I do not like to look forward to the future reports on the success of small holdings if these are to be the principles upon which they are to be given.

I have detained your Lordships already long enough; I only want to say a few words more. It sometimes astonishes me that, having a system in vogue in England which has created small holdings in the past, and which seems on the whole to have answered very well, we should have deliberately abandoned it, and made it impossible. I mean the copyhold system. The copyhold system is very much laughed at and abused by those who know little about it. It is condemned because it is feudal. That is enough for many people. They do not know what feudal means, but it is quite enough to damn any question. The copyhold system, it must be confessed, is surrounded with many ancient usages and customs which are quite obsolete, but it did give that which noble Lords opposite always wanted to give, namely, fixity of tenure. Yet it retained the right of the lord to recover the property in certain cases. It was managed without all these Commissioners and all this expense, and it had in addition the great advantage which has been alluded to, of being a cheap and simple method of transference. Unfortunately, the law has made it absolutely impossible to create copyholds at the present time. I do very much wish the noble Lord, alongside with this measure, would consider that question, and let us have the power to create copyhold, doing away with the objectionable and obsolete incidents connected with it. I cannot help thinking that he would find he had got all he wanted by this Bill or similar measures, in a very much simpler manner, with no expense at all, and that many landlords would be extremely glad to avail themselves of the opportunity. There is one thing which we ought to remember, and it is that, so far as I know, in the history of the world small holdings on a very large scale have never been a success. I mean, of course, as regards the prosperity of the class that has held them. That is a curious fact. I am not, of course, speaking of one estate or period. The noble Lord mentioned an estate which was a success at the beginning of the last century, and I dare say it is perfectly true, but this is the first time we have heard of the agricultural labourer at the beginning of the last century being prosperous. Mr. Jesse Collings has written a very interesting book on the reform of the land. He makes a short history of the land question, and the dealings of landlords with their tenants of all classes. He always speaks of a time when the agricultural labourer lived in clover, but he never mentions when the time was. You may take the whole history, and every period is the same. From one cause or another the agricultural labourer was depressed. I believe that to be the case, and I should like to make a challenge to noble Lords who advocate an unlimited increase of small holdings to point out the time, in England especially, when the population on small holdings were in a thoroughly prosperous condition. I think they will find it rather difficult. Of course, that is no argument that in the future you should not have a population of prosperous small holders. The conditions of things are very much changed. There never was, however, a time—that is the main point—in England when a man lived under his own vine and fig tree.

In all I have said I have not said one word against this measure. I wish it all success, although I wish to see it amended in certain particulars which other noble Lords have touched upon, and which I have not thought it necessary to mention. I do say, however, that no legislation can alter certain facts. The essence of the success of small holdings is rich land, good markets, great thrift and industry on the part of the occupiers, and, I would add, some form of protection, or something like it. I do not wish to be bound down to any particular phrase. Where those conditions exist, small holdings, I quite admit, may be prosperous; but otherwise I do not believe that to any large extent you will have prosperous small holdings, and I would like to point out that every instance I have had in view—and I have had them of different kinds and on different occasions—of successful small holdings has been on excessively rich land near some good market.

*THE UNDER-SECRETARY OF STATE FOR FOREIGN AFFAIRS (Lord FITZMAURICE): It would, perhaps, be hardly respectful if, after so many noble Lords, all speaking with knowledge and authority on this question, have addressed your Lordships from the opposite side of the House, nobody on this side of the House rose at this stage to continue the debate. At the same tme perhaps I may be tempted to observe that, except in regard to details, it cannot be said that any marked opposition has been shown by noble Lords opposite to the provisions of this Bill. It is undoubtedly a pleasing contrast to some of the debates we have had recently to find what on the whole may be called a spirit of accord prevailing between the two opposite sides of the House. A very large part of the debate has been taken up by a recital, a very interesting recital, of the personal experience of noble Lords in regard to their own estates and their own neighbourhoods. Other portions of the debate have ranged over a wider field and have touched upon topics of historic interest in connection with the English land question. A moment ago the noble Duke who has just addressed the House put in a word on behalf of the ancient system of the copyholds as having provided in its time a large class of precisely the sort of holder it is desired by this Bill to bring into existence. I do not think I need be alarmed by the word feudal, to which he alluded, from expressing a considerable amount of agreement with what has fallen from the noble Duke. If I may be allowed to say so, it is not at all acknowledged by modern historical science, which has done so much to elucidate this question, that copyhold tenure was really an incidence of feudal tenure; on the contrary, I should say the best opinion, so far as I know, is of the opposite character. At any rate, we do know that there is a famous passage in Lord Coke's Institutes that copyhold in his time did afford independent existence to the very class of men the noble Duke had in his mind when he spoke. My noble friend Lord Fortescue, who earlier in the evening made a very interesting speech, reproached the Government with having introduced this Bill instead of reviving the ancient view of the Liberal Party in regard to free trade in land—the ideas of Mr. Bright and Mr. Cobden—and he asked why a totally different kind of Bill from this was not introduced. I can only say there is nothing whatever antagonistic between the ideas of free trade in land as understood by Mr. Bright and Mr. Cobden, and the provisions of this Bill. The two plans deal with two different aspects of the question. Undoubtedly it would be a very cheering thing to us to know that, if at some future time a Liberal Government thinks well to take some strong measures in regard to those heads of policy which were summed up by Mr. Bright and Mr. Cobden under the name of free trade in land, we shall have the support of one who is so powerful in the landed class of this country as my noble friend. I may, however, remind my noble friend that something has been done of late years in that direction. My noble friend, Lord Nelson, to whom I listened with all that respect to which his aged experience entitles him, and who in the county where I live is known so well and respected so much, also alluded, like Lord Fortescue, to the necessity of setting up cheap registration. Now cheap registration was an essential part of Mr. Bright's and Mr. Codben's ideas, and most undoubtedly the Registration Acts which we owe to the legal skill and perseverance of the noble Lord who till recently sat on the Woolsack—I mean Lord Halsbury—have done something towards rendering it possible to introduce cheap registration which would apply to small freeholds as in other countries. I may remind him that it is now possible for a county council, with the leave, I think, of the Lord Chancellor, under certain conditions to set up a county register, and I can only hope myself that the system already established in the county of London will not hurriedly be abandoned merely because an agitation has been got up against it by certain members of the Incorporated Law Society, but that, on the contrary, it may be extended in the manner suggested by the two noble Lords whose names I have mentioned. These questions, however, are rather outside the immediate object and purport of this Bill. There is nothing whatever in this Bill antagonistic to them. There is nothing whatever in the Bill which would render free trade in land or registration more difficult. On the contrary, we claim that, so far as it would influence public opinion, upon which those questions depend for their solution, it would tend in a direction favourable to the views of the noble Lord. This Bill, however, deals with a totally different class of questions.

We have been asked in the course of this debate why a Bill of this kind has been introduced at all. Mr. Balfour the other day said it was in reality absolutely contrary to all principles of Liberalism, for a Government which professed to be a free trade Government, and he claimed the support of the well-known political economist of the Cobdenite school, Mr. Harold Cox, who always speaks with great knowledge and great independence. He said that for the law to step in and claim the use of public funds to create small holdings was a derogation from the principles of free trade, which undoubtedly depend mainly and largely upon the principle that in economic matters price has to be left to find its own level, the law not interfering to benefit any particular class. I shall be perfectly frank upon this question, and acknowledge that to a certan extent the criticism made by Mr. Balfour is theoretically an accurate one. It may be argued—and logically perhaps there is no answer—that in this particular instance we are departing from those principles of non-interference which we accept as a general rule in regard to trade and commerce, but I must say that it always appears to me that to argue with strict logic from matters connected with trade and commerce between different countries to matters of purely internal and domestic economy is not an argument which, however verbally accurate and however logical it may appear, is based upon substantial facts or real inferences. The debate to-night has shown a singular concurrence on the part of noble Lords upon both sides of the House coming from every part of England—although the admission was made in rather a grudging spirit in some cases—that there is a demand of some kind for land which at the present time is not easily satisfied. Some noble Lords spoke from their own experience as landowners, justly claiming that in many instances on their own estates they have gone very far towards meeting the existing demands, and others spoke, not of matters within their own immediate control and knowledge, but of what they have seen in their own neighbourhoods and upon other estates. I listened to the speech of my venerable and noble friend Lord Nelson, with great interest; and I desire to say how much I have always felt the perseverance he has shown in my own county—shown long before others took the matter up—in extending facilities to the labouring classes to obtain land in small quantities. Everybody who knows Wiltshire must have always regarded him with admiration and respect, because he has led the way. I have sometimes thought that that county is one which does afford a very great deal of encouragement to those who believe in the success of such experiments as those which this Bill is intended to provide for. There was a Parliamentary Return issued some years ago in regard to allotments, and I remember that that county came out at the head of the list. In that county, upon large estates, you may see a great system of allotments, almost running into small holdings, dating chiefly from the time when Lord Nelson began his useful work, I mean in the forties, when there was a very large amount, a terrible amount, of distress in the west country, caused by agricultural depression coinciding with a very great change in the manufacturing industries of that part of England. The great development of industries in the centre and the North of England destroyed to a very large extent the manufacturing prosperity of the West of England, which has never quite recovered, and it had the special effect of closing a very great number of the small factories scattered about in the villages, throwing back upon the land nearly the whole of the population which had been engaged in them. I myself know many places at the present day where you can still see the gaunt remains, gradually dwindling to a heap of bricks, of cloth factories which, in their time, employed a considerable number of hands. It was at that time that the great allotment system which grew up in that county began. All that is set out very fully in the Reports of successive Commissions. In more modern days we have had there the very interesting and curious experiments connected with the name of Major Poore, of Winterslow. One remarkable result of those experiments is this: If you take the last census of the county of Wiltshire, you will see that Winterslow is very nearly the only really rural parish which shows an increase of population. There is not the smallest doubt it has been caused by the way in which the land has been broken up. I am not going to jump, I hope noble Lords opposite will understand, at the conclusion that because this experiment at Winterslow has been successful—owing to reasons which, perhaps, I know as well as any Member of your Lordships' House, reasons, some of them, I quite admit, peculiar to the place—therefore a similar experiment is bound to succeed everythere and that the population is certain to go up everywhere in consequence in the same way. All I venture to say is that Winterslow is a proof that if you have favourable conditions of soil, if you have somebody like Major Poore to take the thing in hand in a spirit of business and not of philanthropy merely, and if the neighbouring conditions of industry are also favourable as they are at Winterslow, then you are justified in believing that such experiments as this Bill proposes to encourage will meet with a like success. There is another experiment far more ancient than that of Major Poore at Winterslow. Some of your Lordships who hunt with the Duke of Beaufort's hounds probably know Malmesbury Common, a tract of land 800 acres in extent. Under an enclosure Act of the century before last it was broken up into a sort of shifting tenure. The town council of Malmesbury owned the whole of this large tract of land, and it was divided so that the mayor had 50 acres, the aldermen about 15 acres each, and the commoners the rest divided amongst them. That tenure has gone on to this day with the most admirable results. Noble Lords opposite will be interested to know that in the old days when Malmesbury returned a Member to Parliament, the commoners, everyone of them out and out Tories, voted for the blue candidate because they were firmly convinced that it was the wish of the Liberal Party to deprive them of their allotments. It is impossible to say how far this has checked the diminution of the population so apparent in the northern part of the county. The general impression, I believe, is that, although it has not stopped the population diminishing, it has had a marked effect in preventing that diminution being as great as it would otherwise have been. I am not at all a pessimist about the condition of the rural districts I know. I entirely agree with what was said the other day by Mr. Rogers, the Member for East Wiltshire, who speaks about things of which he knows, that there has been a marked improvement of late years in the rural districts and that there is more hope. It would be very disappointing if it was not so. Undoubtedly, great efforts have been made by legislation and otherwise to improve the condition of our rural districts, and I believe if you examined the returns of the Post Office Savings Bank and the friendly societies, which are the real tests, you would find that, although the rural population has diminished, yet the condition of those who have remained has greatly improved. I go further and say that they know this themselves, because very often agricultural labourers have told me that things were, as they said, getting better; and instead of drawing upon their imagination, as is often done, for a glorious state of things which is supposed to have existed in some remote past, they contrast the inferior state of things of thirty years ago with the condition of things existing now. The result of this, in my opinion, is that there is more money seeking investment amongst the rural labourers than formerly, and they not unnaturally look on the land on which they live and from which they sprang as the legitimate means of investing their money. They very frequently find, however, that the opportunities they seek are not forthcoming. It is to assist that class of men that this Bill is particularly designed. It is to encourage the landowner, and, failing him, the county council, and, failing the county council, to enable the Government through the Commissioners, to find for these people who are deserving the means of investing their money in the land which in some cases they have hitherto sought in vain.

I am quite aware that I am not arguing this question from the point of view of those who tell you that things are getting worse and worse in rural districts and that it is all the result of some system of local tyranny on the part of proprietors and others who desire to drive the people off the land. With that point of view I have no sympathy. It is one which in my opinion is unjust and cannot be substantiated. If I were to identify myself with it by silence, I think I should be untrue to every tradition, I was going, if I may be allowed, to say of my own public life either in my own county or in Parliament. I believe, on the contrary, that there is a very great desire on the part of most landowners in this country to do what they can to facilitate allotments and small holdings; but we must remember that, as my noble friend the President of the Board of Agriculture has said, there are very great difficulties often in the way of landowners equipping the land. This Bill will undoubtedly give these facilities in cases where the landowners are unable to come forward as they themselves desire.

My noble friend Lord Belper, speaking on behalf of the County Councils Association, took the view that the chief objection to the Bill was the want of confidence it showed in the county councils. That, indeed, has been the only important criticism that has been made this evening on the Bill. I would therefore ask my noble friend to allow me, standing as I do on common ground with him, to say a few words in reply. I cannot understand how it was that he could see such a great difference between the position which we give to the Commissioners under certain circumstances to compel the county council to act when it is found in default and the position given by law to county councils to compel subordinate local authorities to do their duty. My noble friend said that the county council could only act, for example, when a parish council appealed from the decision of a rural council. That is true, but I have often heard the criticism that the county council ought to be given a far freer hand because often in cases of the greatest malfeasance by a rural council local pressure and local unpopularity come in and parish councils are unwilling to act, and gross abuses go on which the county council might desire to deal with if only somebody would come into court, as it were, and indict the recalcitrant body. The position we have taken up is this: a larger power ought to be given to the Commissioners, and they should act on what may be called their own knowledge and information, and not have to wait until some other body or some specified group or number of persons come before them and put the county council in the place of the defendant. The system of local government which we have built up under the two great Acts of 1888 and 1894 is an hierachy which begins at the parish council, goes on to the rural and urban council, then to the county council, and finally to the government of the land above the county council. I venture to claim that noble Lords opposite who above all things are Unionists, ought to support the hierarchic system of government, and not to claim that the fifty-two county councils are all to be set up as petty or independent Parliaments. I do not believe that the county councils desire to have that position at all. I am quite aware that the old mediæval idea of county government was something of this kind. Many of your Lordships have no doubt read some of those delightful novels of the Sir Walter Scott of Hungary, Maurus Johai. One of the motifs of one of his novels is the confusion and the independence in the old county government of Hungary. The parties representing our Whigs and Tories, were always cutting each others' throats in the county parliament, but they were always willing to unite against the central Government. That is not the principle upon which English local government exists, and I claim that if you were to consult any of the modern text writers on English local government, you would find they point out that the great principle on which that government rests is the hierarchic principle. Above the county councils is the Central Government which holds a certain check on the county councils by means of the purse strings, in the same way as the county councils holds a check upon the smaller authorities and in other cases has a direct power to act if the local authority is in default. I have been asked as the chairman of a county council: Are you going to be a party to the President of the Board of Agriculture coming down into Wiltshire and levying a rate on that county? But my hon. friend will do nothing of the kind; that is not the machinery; there are large sums which have to be paid from time to time from the local taxation account, through the Treasury, under various heads into the Exchequer Contribution Account, and I take it, if a county council is recalcitrant it will be by means of one of those amounts that quiet pressure will be brought to bear upon it.

LORD BELPER: I am very unwilling to interrupt, but the noble Lord has picked one point out of several I mentioned which showed that the case he quoted was no precedent for the proposal in the Bill. The only point he has alluded to is the fact that I said that the county council did not take any action unless asked by the parish council. That is one small point out of four or five I mentioned, the chief of which was that it was only for special purposes of urgency that the county council was allowed to step in and do the work which the local authority absolutely refused to do. I went on to say that I did not think that was a case on all fours with this, and that this Bill went much further, inasmuch as the discretion of the county council, where discretion was required, was overridden by an outside authority.

*LORD FITZMAURICE: That is what I have been endeavouring—imperfectly no doubt—to reply to. I have pointed out that the whole essence of this Bill is that above the county council stands the government of the country, just as the county council stands above the minor local authorities of the county. That is perfectly in consonance with what I ventured to call the hierarchic principles of English local government, which did not accord absolute independence to any local authority, but which depended upon the principle, if I may put it so, that "England expects every local authority to do its duty." The only point I have not touched upon—and I was going to do so—is how far the establishment of small holdings is a matter of first importance to justify the interference of the Government. The essence of our Bill is that we do think it is a matter of importance.

LORD BELPER: The expression I used was "urgency" not "importance."

*LORD FITZMAURICE: If we all think that this matter is one of real local and general importance the Government is fully justified in taking the necessary powers to enforce the necessary duty upon the county council if it is in default. If noble Lords will read the clause relating to the action of the Board of Agriculture and its Commission in regard to county councils in default, they will find they are hedged in by every conceivable precaution. Every opportunity will be given to the county council, and believing as I do that the county councils are anxious to do their duty, I think the cases of default where the Board of Agriculture will have to act will be exceedingly rare and certainly most exceptional. I am inclined to think, in fact, that nearly all these criticisms are based upon the idea that the Board of Agriculture is going to come in and try to force county councils to set up systems of small holdings and allotments whether the land is suitable or not, whether circumstances are favourable or the reverse, and whether local feeling is favourable or not. My noble friend has told the House that the gentlemen to whom he intends to entrust these arduous duties are men of great skill, knowledge, and experience, and I feel absolutely certain myself from what I have seen of Government Commissioners and inspectors in other branches of local work that the county councils and these Commissioners will act together in a spirit of perfect friendship and harmony, and that there will be hardly any instance where the county councils will be in default, or where the Government will have to call in these powers which have so alarmed my noble friend and the County Councils Association.

Upon other points the discussion has been chiefly one of details, and we shall approach all these with far greater advantage in Committee than we can this evening. My noble friend has pressed again the point which earlier in the evening was brought forward by Lord Onslow, and I can only regret that the Answer my noble friend gave has not altogether satisfied him, but I think I can certainly give him this assurance, that there will be every desire on the part of the Chancellor of the Exchequer to construe the pledge which he has given in a liberal spirit, without, of course, going beyond the promise which he gave in the House of Commons. In Committee here we may probably be at some little disadvantage in regard to that clause, because I take it that it is a financial clause and that it might be difficult for us to amend it even if we desired to do so. That, no doubt, was the justification for Lord Onslow's raising the matter by a separate Question; but, bearing in mind the pledge which has been given, and bearing in mind also other alterations which were made in Committee and on report in the House of Commons by which the financial risks of the county council have been considerably diminished in regard to these schemes, I cannot help hoping that by the time this Bill has emerged from Committee it will have received that unanimous support from your Lordships' House, which, so far as the Second Reading is concerned, I now venture respectfully to urge your Lordships to give it.

THE EARL OF DARTMOUTH: I feel an apology is due to your Lordships for intervening in this debate. The *Westminster Gazette* was deeply indignant with the Duke of Montrose the other day for having ventured to address this House on the Second Reading of the Scottish Smallholders Bill, because he had a son who was defeated in the last general election. I am in the same unfortunate position, but if I could only make so good and well-reasoned a speech as he did on that occasion I should not make the apology to your Lordships that I now do. The reason I venture to interpose is that I personally have had a great deal of experience in the matter of small holdings, and I think in a measure of this kind, where a great departure is being made, is is essential that those of your Lordships who have experience in these matters should, even at the risk of wearying the House, give their experience for what it is worth. We have heard a good deal about Party feeling. Let us be quite straightforward about it to-night. We cannot overlook the fact that at the last election on every Radical platform the Tory landlord was held up to contempt for his greed, for his despotism, and for his social qualities. The Prime Minister the other night deprecated strongly the fanning of class war. There will be no fanning of class war from this side of the House, but if the Prime Minister is really honest in what he says, let him set an example, and when he gets on the platform in the country let him and those who follow him abstain from making these charges, which cannot but leave a feeling of soreness behind them. My noble friend who introduced this Bill is anxious to deprecate any Party feeling, but it seemed to me to be a little farfetched to introduce a purely imaginary Midland Lord Lieutenant into the Second Reading of a Scottish Small Holdings Bill, and if it is desirable, as I am sure it is, on the part of us all to avoid these party recriminations, it is better not to make insinuations that may lend themselves to that interpretation.

The noble Lord who has just sat down has told us that there has been no opposition to the principles of the Bill, and I do not think there will be any. If the objects of the Bill are such as I understand them to be, namely, to improve the position of the agricultural labourer, to stay the exodus to the towns, and to make the surroundings of rural employment more attractive, there is no one who will give him a more hearty support than those who sit on this side; but there are one or two points on which we should like a little further information. As to the class that is to be primarily benefited, I take it it is the agricultural labourer. Is there any proposal in the Bill to limit the area from which these applications come? Because it seems to me that with the impetus to be given to those who desire small holdings it is quite possible that those outside any particular area may come down in the hope of getting a small holding, when the agricultural labourers have refused, or have had no desire to take up the small holdings, because they know of the difficulties of agriculture in that particular district. That, I think, is a not unimportant point. We have heard something about the causes of the exodus of the rural population. I do not propose to go at length into that; but amongst the many reasons given for that exodus is the preponderance of Tories on the county benches. I think that of all the reasons given that is, perhaps, the most ridiculous.

Whilst we are in thorough agreement with the general objects of the Bill we differ as to the means. It seems to me that this Bill is framed to get the minimum of benefit with the maximum of friction, and if we can do anything in the course of our debates to remove that friction, I think the Bill will be none the worse for it. I do not propose to go at length into the various questions that have been already raised, but I should like to say one word as to my own private experience of small holdings. My noble friend at Birmingham the other day said that the experimental stage has passed. The experimental stage passed fifty years ago so far as concerns localities in which small holdings are suitable; but if the experiment is to be made to enforce small holdings in localities which are not suitable, then I think it would be better for the noble Lord if he postponed his experiment until he had some more definite lines to go on, because, as has been pointed out already to-night, it is perfectly clear that unless all the conditions are suitable it is quite impossible that small holdings should be successful. This is not new discovery. I have a property in Yorkshire, and on that property I have something over 500 holdings, of which only fifteen exceed forty acres. These have been in operation now for from seventy to 100 years, and the reason why they are successful, as they have been, is that those who hold them have other occupations. Some sixty or seventy years ago when hand-loom weaving was carried on, the families on most of these small holdings took the work home, but now that large mills have started those who are employed in this work prefer to be near their employment, and the result is that in the case of those at a greater distance from the work than others, we have great difficulty in letting these small holdings, although, as I say, they have been in operation for over seventy years. It is one of those points which ought to be clearly borne in mind in dealing with this Bill, that unless a small holder has some other occupation, or the circumstances surrounding him are particularly favourable, it is quite impossible that he should live comfortably on the holding.

There is another point, and that is as to the advantage of the public authority over the private landlord. Now here is a case which not infrequently happens. There is an old couple who have been living for years on a small holding, working it themselves. They are too old to work it, and then comes the question what are they to do. Are you to turn them out? They have lived for many years in their cottage, they resent extremely the idea of being turned out, and so you are compelled either to leave them in their cottage and put the land to other small holdings, and when they die to take away from these other small holdings extra land that has been allotted to them, or else you have to turn them out in the first instance. Of course, with the individual landlord in nearly every case, at considerable loss to himself, he makes an arrangement with the old couple; but surely if it goes to the public authority who have only ratepayers' money to play with, they can show no such sympathy.

I have only one word further to say, and that is that I hope these parish councils will not be given too great power, and I will give you my reasons. In the year 1895 just after the parish councils came into existence, I was approached by a neighbouring parish council to provide 137 acres of allotments. Well, the Act, as your Lordships will remember, had been in force since 1887, and between the two periods I have named I had no application. I was very much surprised at the size of the demand, and I wrote to the parish council and asked them to be good enough to send a representative to discuss the matter with me. He came, and I talked the matter over with him. He told me that at the election a good many promises were made and the general impression was that land was going to be given away. I explained that that was not the system on which the Allotments Act was based, and I inquired how many applications there were for these 137 acres of allotments. I was told there were sixteen. That showed, at any rate, that the parish council did not know what an allotment was. Then I inquired into the evidence, and I was told Mr. A. wanted so much and Mr. B. wanted so much. I said: "Surely Mr. B. has land." "Oh, yes," was the answer, "but he wants sixteen acres of your accommodation land to add on to his little bit." I explained that that was not the object of the Allotments Act, and I wrote a letter which, no doubt, was one of those blank denials of which we have heard so much; and I admit it was a blank denial. At the end I wrote that if the parish council could find a demand from a single person in whose interest the Act was framed, I should be anxious to make arrangements to satisfy that demand. That letter was written in November, 1895, but it has never been answered yet, and I have never had an applicant from that day to this.

The Earl of Dartmouth.

In conclusion, I can only say this: we were told the other night that it was not the desire of the Government to enter into an uneconomical system for collateral advantages. We are glad to hear it, but there does seem an impression, and I do not say it offensively at all, among the Radical Party that the only object which the landlord has is the collection of his rent. Noble Lords are perfectly aware that not only is rent not the only object, but it is not the main object, and that the real charm of owning land is to see those among whom you have grown up, your tenants and your labourers, who have very often succeeded their fathers as you have succeeded yours, growing up contented, prosperous, and happy; and if there is anything in this Bill that will produce that effect, I can only assure my noble friends opposite that I will give it all the support I can.

*VISCOUNT ST. ALDWYN: This Bill comes to your Lordships with everything in its favour. It passed the Second and Third Readings in another place without a division; it was carried through a very business-like Grand Committee, by a worthy successor of an eminent father, with a courtesy and consideration which all Ministers might well imitate, and it has been recommended to us to-night by a President of the Board of Agriculture who is universally popular, and who is a firm believer in the system proposed in this Bill. Therefore it was with the greatest surprise that I observed that the Prime Minister concluded the debate in another place by warning, I might almost say threatening, your Lordships as to certain things that would happen if your Lordships treated this Bill in a hasty, partisan, or interested spirit. If we have to treat it hastily it is not our fault, but that of the arrangement of the business of the session by His Majesty's Government. I thought the warning against partisan or interested treatment was ill-judged, because, whatever our faults are, we are an assembly of Englishmen, and Englishmen, though they may be led and persuaded, will not be driven. It was also singularly inappropriate to the occasion. The noble Lord the Under-Secretary for Foreign Affairs admitted that there was practical unanimity in support of the Second Reading, and that there had been no marked opposition to the main features of the measure. I wish that the forms of the constitution had permitted the Prime Minister to be among us to-night, for he would have felt the inappropriateness of his words, and seen that your Lordships have every desire to co-operate with the other House, and with the Government in extending the system of small holdings in this country, and that we are not prepared to press any Amendments which, so far as we can tell, would really hinder or weaken the proper operation of the measure.

I am very glad that we have not in this debate heard some of those singular arguments which have met with the apparent approbation of the Prime Minister, statements made by enthusiastic regenerators of society who seem to believe that a measure such as this can be a cure for the destitution and the physical and moral evils that attend overcrowding in our great towns. "Back to the land" is their cry, just as if the great bulk of the population of the towns has ever been on the land, as if they want at all to go there, or as if they would stay there if they went! This Bill only has to do in a very trifling measure with any such great problem as that. It may be that after long training and careful supervision some townspeople may be able successfully to work small holdings, but as a rule a townsman would be quite unable to succeed as a small holder. But the Bill has been recommended to us for another reason. I will venture to quote some words used by the Prime Minister in that respect. He said that it would cure the effect which the English land system has had upon the tillers of the soil, the decrease of population, the poverty, the emigration, the stagnation in many country districts—that it was meant to open to them the land which is now fenced off from them. Even the President of the Board of Agriculture followed that line to-night when he told us that the condition of the agricultural labourer was a national degradation and disgrace. I would refer the President of the Board of Agriculture to a certain passage in the speech of the noble Lord the Under-Secretary for Foreign Affairs. He said, in effect, that any such statement was nothing short of an absurdity, and that from his intimate knowledge of country affairs as chairman of a county council in one of the principal agricultural counties of England it was an unjust representation of the condition of the rural population. He went on to say that which is perfectly correct, namely, that the condition of the agricultural population, mainly, of course, referring to the agricultural labourers, has enormously improved in recent years. In my belief, it has never been so good in this country as it is at present.

I prefer to approach the question in the more moderate way in which it has been approached by the representative of the Board of Agriculture in the other House. Sir Edward Strachey informed his audience that under the provisions of this Bill very little land would have to be purchased compulsorily as there was plenty in the market, and that no existing tenant who has been working his land well would be removed. That is not the agrarian revolution that some persons enthusiastically contemplate. It is much nearer the mark, I believe, as to the probable results of the working of this Bill than the wilder statements that have been made in other quarters. I hope that when this Bill becomes law the Department of Agriculture will remember that, after all, there is something stronger even than Acts of Parliament, and that is the economic law. I hope they will remember that the establishment, and still more the maintenance, of small holdings, is attended with economic difficulties of a very grave nature. It is all very well for the noble Earl the President of the Board of Agriculture to say that they want to put the agricultural labourer back into the position he occupied 100 years ago. I quite admit that if His Majesty's Government are prepared to adopt a fiscal policy which would bring corn up to 113s. a quarter, which he told us it reached at that time, then they could establish small holdings all over the country without any compulsory powers at all, and those small holdings would pay very well. But we know very well that that is not the policy which is likely to be pursued either by this Government or by any responsible statesman in this country. The bulk of our agriculture depends mainly upon the production of beef and mutton, and beef and mutton unquestionably can be better and more cheaply produced on large holdings than on small holdings. With this object all great agricultural authorities fifty years ago impressed uopn landlords that it was their bounden duty, in the interests of the country generally, to enlarge the size of holdings to get rid of tenants who had neither capital nor knowledge of agriculture, to provide comfortable houses and extensive buildings, and thus to attract tenants possessing knowledge and science of farming so as to obtain the best possible yield from the land.

In the following out of that policy, small holdings became to a large extent merged into larger farms, and that has been the main cause—the economic cause—of the comparative decrease of small holdings in this country. My noble friend Lord Fitzmaurice said that this Bill was intended to encourage landlords to re-establish small holdings. I could not understand what he meant. If you want to encourage landlords to re-establish small holdings, the State ought to advance them capital for that purpose on easy terms. There is no such provision in this Bill, and no such provision has ever been suggested by His Majesty's Government. On the contrary, it has been strongly opposed for reasons into which I need not enter. But supposing a landlord had sufficient means to turn large farms into small, and to re-establish the small holdings on his estate which, perhaps, at one time existed, how do the proposals of the Government encourage him to do this? They bring in a Scottish Small Holdings Bill establishing a Land Court, fixing for small tenants fair rents and fixity of tenure, and absolutely discouraging landlords from any expenditure of capital by depriving them of control over their property. That is the way His Majesty's Government encourage landlords to re-establish small holdings in this country.

The Bill proposes that these small holdings—as landlords either cannot establish them or naturally shrink from doing so—are to be re-established by county councils, or, in their default, by the Board of Agriculture. We all remember the history of the Small Holdings Act of 1892. Why did that Act fail? It failed for two reasons; first of all because there was a very small demand for small holdings. The county councils, I believe perfectly sincerely, tried to find out whether there was any such demand, and would have acted upon it if they had discovered it. I know that the council of my own county inquired in every parish whether there was any such demand or not, and did not get a single application. But there was another reason. That Act, if carried out to any extent, would have undoubtedly put a large charge on the rates, and everyone acquainted with rural life knows that there is no feeling so strong in the rural districts of this country, no political opinion so decidedly held, as the hatred of any increase in the rates. The constituents of the county councils would not listen to anything of the kind; they would have turned out the county councillors who had recommended it; and I think that those who are responsible for this Bill ought to remember that the county councils are, after all, the most democratic institutions that we possess in England. Their franchise is the most democratic we possess, because not only women but even Peers are allowed to vote. Therefore it is quite clear that, whatever may be said by Radical orators as to county councils being dominated by Tory landowners or farmers, they necessarily represent the real opinion of the most democratic constituencies in this country.

As the county councils, not finding any demand for small holdings and not desiring to increase the rates, have generally failed to carry the Act of 1892 into effect, His Majesty's Government have hit upon another principle. They propose to give compulsory powers of purchase or hire to county councils, on which I will say a word or two later, and, if the county councils still do not choose to establish small holdings, they are to be compelled to do so by the Commissioners of the Board of Agriculture.

When this Bill was presented to the House of Commons, it included a clause abolishing any limit on the rate which the county councils might levy for that purpose, with the result that the Commissioners of the Board of Agriculture might compel any county council to incur any amount of expenditure they chose, without any limit at all, against the wish of the county council and against the will of their constituency. My noble friend Lord Belper has dwelt upon this already, and I do not wish to detain your Lordships upon it. To my mind that proposal was one of the greatest interferences with democratic Government that could possibly be conceived. It is all very well for the noble Lord the Under-Secretary of State for Foreign Affairs to talk about the hierarchy of the parish council, the district council, and the county council, and to draw a comparison between the compulsory powers which a county council may exercise over a parish council and those which are proposed in this Bill to be given to the Board of Agriculture over a county council. But it is no analogy at all. All these councils represent the ratepayers and derive their revenue from the rates. The Board of Agriculture does not represent the ratepayers at all. The Board of Agriculture represents the House of Commons, which is responsible for expenditure from taxes: and if the Board chooses to enforce an expenditure of this kind, which it might be quite right in doing, against the wish of the locality, I venture to say that that expenditure ought to be defrayed, not out of the rates, but out of the taxes. That is the real point at issue between us.

Now, what has been said on this subject? A Treasury Minute has been promised which is to provide for half the loss being met by the Treasury, where a county council having done its best has incurred a loss in carrying out this Bill. That is perfectly right, and I do not want to dwell upon it. But then there is a further case, which was put in another place to the Minister who was in charge of the Bill—the case of a county council which refused to carry out a scheme because they expected it would entail a loss, and the Commissioners stepped in and carried out the scheme. On whom would the loss, if a loss occurred, fall? The President of the Board of Agriculture told us this evening that no pledge had been given by or on behalf of the Government that such a loss would be made good out of public funds. But what did the Minister in charge of the Bill—Mr. Harcourt—say in reply to that challenge? He said—

> "He had always felt that under such circumstances as had just been outlined it was impossible to imagine that the cost would be charged upon, or recovered from, the county council by the Board and the Treasury."

What we ought to have perfectly clear before the Bill leaves Committee—although I quite admit that financial affairs are not our concern—is what the Government really mean to do in that case. I do not think myself anything could be much stronger than the words which I have just read; yet we have heard them interpreted by the President of the Board of Agriculture as no pledge whatever. It is all very well for Lord Fitzmaurice to tell us, as he told us this evening, that these Commissioners will be persons of light and leading, who will never enforce the establishment of small holdings at a loss on a county council, except under circumstances which everybody will admit to be right. But, my Lords, what we are concerned with as a legislative assembly are the provisions of the Bill, and the provisions of the Bill leave it absolutely open to the Treasury to do as they like, to pay a half or to pay nothing at all, and we cannot get from the Government any definite statement as to what they mean to do. We are bound to press this point, and I will tell you why. When the Bill went down from its discussion in Grand Committee to the House of Commons the Speaker ruled, on the proceedings on Report, that this question could not be raised to any effect at that stage, and that it would be necessary to recommit the Bill if the matter was to be dealt with in the Bill itself; and the Government, from that want of time to which they are perpetually liable, and which is due to their endeavouring to carry through in one session more legislation than that session can properly produce, absolutely declined to recommit the Bill, although the House of Commons wished such a liability to be imposed on the Treasury, and although the Minister in charge of the Bill had said that in his opinion it must be done. Therefore, my Lords, although I quite admit what was said by the noble Lord opposite, that it may be extremely difficult for your Lordships to touch this matter owing to your want of power over financial affairs, yet I think we ought to consider whether it would not be possible for us, if the necessity should, unhappily, arise, to frame some Amendments in the Bill which would at any rate give the House of Commons an opportunity again of considering the matter, and, if they choose, of putting a definite statement in the Bill that in such circumstances as those to which I have referred, the loss should fall, not upon the county, but upon the Exchequer. This point is very important, to my mind, in view of the relations between the Central Government and the local authorities, and I trust it may have the careful attention of His Majesty's Government.

There are other points which have been alluded to in debate and on which I should like to say a word. The county councils are to be authorised to buy or to hire land either within or without their county. That is a point which was taken by my noble friend Lord Onslow, who perhaps is the best authority in this House, or out of it, upon this special matter of small holdings. I think everybody will feel that there must necessarily be some kind of provision in the Bill which would enable the councils of London and of our great cities to obtain land outside their boundaries for the purpose of establishing small holdings. I quite admit that; but surely there ought to be some kind of limitation on those powers. Why should the London County Council, for example, go to Northumberland or Cornwall in order to purchase land for that purpose? An adjoining county would be amply sufficient, and I think it would be perfectly fair to ask that the consent of the county council of that county should be obtained before a town colony is established in their area.

Now I come to the question of compulsion upon owners with regard to purchase or hiring. That has been the law for a considerable number of years under the Local Government Act of 1894 with regard to the acquisision of land for allotments. I do not think it has done any harm whatever; I believe that, on the whole, it has done a great deal of good, because it has enabled land to be provided for allotments, I think, as a general rule, without any necessity for putting the compulsory powers into force. I should hope that the same result might follow from the compulsory powers given in this Bill. But I would point out that there is a difference, and one which, I think, will have to be considered in Committee, between the provisions of this Bill and the provisions of the Act of 1894. The Board of Agriculture is supreme under this Bill except in one matter—the fixing of the compensation for purchase or the amount of the rent. In everything else it is absolutely supreme. So far as I read the Bill, though on that I cannot speak with any legal authority, it seems to me that there would be no appeal to any Court even on the point whether the Board of Agriculture had properly carried out the definite instructions given to them by the Bill as to the land which they might not purchase, or as to the terms and conditions which they are bound by the Schedule of the Bill to insert in the hiring. That is a very great power. It may be right that the Board of Agriculture should have such a power when in the position, as they were under the Act of 1894, of arbitrators between the owner or the tenants of the land and the county or parish council desiring to acquire it; but in this Bill, in default of the county council or the parish council, they are a party to the contract, and surely it has never yet been heard of in our legislation that one party to the contract should absolutely dictate the terms and conditions of the bargain to be entered into with the other party. I commend that to the consideration of the President of the Board of Agriculture.

The principle has already been conceded by His Majesty's Government, because they have inserted in the Bill a provision that where the Board of Agriculture is the party acquiring the land the arbitrator or valuer who is to settle the value of the land so acquired is to be appointed, not by them, but by the Lord Chief Justice. I think that to carry out that principle they ought also to provide that there should be some person outside themselves who would settle the terms and conditions of the hiring and some kind of appeal as to whether they had fulfilled the instructions given them in the Bill as to the limitation of their powers with regard to purchase and the manner in which they were to carry out the hiring. This very point has been very recently under your Lordships' consideration in the Evicted Tenants Bill, and, with the assent of His Majesty's Government, an appeal has been agreed to upon certain definite matters which are very much *in pari materia* with the points to which I am now alluding. Therefore I hope that before this Bill leaves your Lordships' House this matter may be considered fairly, and that we may have some kind of Amendment to the present provisions in the Bill on the subject.

I do not want to detain your Lordships at this hour with any further observations on the details of the Bill. There are not a few points, some important, and some of minor importance, which doubtless will be raised in Committee. I would only say, generally, that I cordially agree with the observations which have been made by many noble Lords during this debate, and which I think are practically accepted by His Majesty's Government, that small holdings cannot be successfully established everywhere and cannot be successfully carried on by everybody. You must think of the soil, of the nature of the climate, and of the person whom you are putting on the holding, before you can successfully establish a small holding at all. It would be contrary to public policy to pick out what I may call the eyes of a large farm and leave the rest of it absolutely useless for agricultural purposes. That, I am sure, the noble Earl would never dream of sanctioning. Small holdings may do very well for what I may call the minor agricultural operations, such as poultry keeping, the production of eggs, honey, bacon, butter, and things of that kind; and I think we must all wish, whatever our views on free trade—which, in spite of the argument of the noble Lord, Lord Fitzmaurice, is not applied in this Bill to the dealings between landlords and other persons—to see a greater amount of such articles produced in this country and less imported from abroad. If that should be the result of this Bill no one will be more gratified than myself. We on this side of the House desire to do our best to co-operate with noble Lords opposite in so framing this Bill in Committee that it may be a really fair and just measure to all interests concerned, and that it may bring about such a change in the position of the agricultural labourer and in the position of agriculture in this country as may tend to the improvement and the future welfare of our people.

Lord RIBBLESDALE: My Lords, I think that as a Party we must all appreciate the kindness and the fairness of what has fallen from the noble Viscount who has just addressed us, but as a House we must also recognise the kindly and critical usefulness of many of the comments which he passed upon the Bill. Resting as this Bill does upon the Report of Lord Onslow's Committee, and especially, I think, on paragraph 125, I need say very little about its main object. We have all agreed over and over again that the depopulation of the country districts is just as unfortunate as the over-population of the towns, and that to increase the number of economic small holdings and of progressive small holders is everybody's desire, and many people's concern.

Whether this Bill, when it becomes law, will give rise to the enchanted England of Lord Carrington's dreams is quite another matter. But, at all events, he recommends us nothing whereof his conscience is afraid, or, indeed, his practice; and though it is said by some people that the trend of this kind of legislation is to change the old ways and the old charities of rural life, and that the future rural England which legislation of this kind will create will be unkind and unrelated, as a lover and upholder of these things I do not believe it. I have no such apprehensions. The noble Viscount who has just addressed us paid a very high compliment to my noble friend Lord Onslow, and to his great experience in this matter as a former Minister for Agriculture, as the owner of a large estate, and as Chairman of the important Committee upon the Report of which this Bill is largely based. I am sure we all agree with what the noble Viscount, Lord St. Aldwyn, said on that subject.

In the course of his speech the noble Earl, Lord Onslow, asked whether we were quite satisfied what sort of men we wanted as small holders. He told us about an old lady who kept lodgings in London and poultry in the country, and said that that was not the kind of person we wished to encourage, with the ratepayers' money, to take up small holdings. No doubt this does raise a material point as to the class of persons who will be not merely acceptable but desirable as the occupiers of small holdings. Speaking for myself, I do not think that the persons who will take these small holdings will always prove the *rusticorum masculi proles* we all have most in view. I think they will be rather a mixed lot. We are all inclined to generalise from our own experience, and I might generalise from mine perfectly soundly, whereas noble Lords opposite, generalising from theirs, might arrive at a different conclusion. As for myself I do not object to the old lady living in London to whom Lord Onslow referred. In my part of the world we have a great many small holders, and I could put my finger on many successful ones, but they are mixed. The most successful is, besides, a cow leech and a pig sticker; another tidies up the gardens for the better off villagers; and I remember that when I had some horses in the heart of Leicestershire I occasionally used to be driven up by the local tailor and general merchant, who was passionately fond of farming. He held nine acres under an Oxford college, and he told me that if only he could get more he could do very much better; but he could not get more, not because the owner of the land round would not give it to him, but because the property of the landowner was in the hands of trustees, and he could not find the money to provide the equipment. That is the kind of man who would probably become a small holder under this Bill, and who would contribute very much to intensify the cultivation of this country. At all events, some risks have to be run, and we must take the chance of that; but I believe that, given suitable land and reasonable equipment and a tenancy as proposed in the Bill as against ownership, you will have up and down England a good many applications from quite the right sort of people.

This brings me to a very cardinal point of the Bill—ownership *versus* tenancy. I should like to congratulate His Majesty's Government on having stuck to tenancy as against ownership, and I hope they will do so like leeches. In view of the fact that Lord Onslow again laid a good deal of stress upon this point I would like to give your Lordships my reasons for preferring a tenancy to ownership. Lord Onslow quoted from his Report when he said that ownership was desirable in the interest of agriculture and production, but I believe His Majesty's Government in the Bill have contemplated the moral and material welfare of the individual who is to be put on these small holdings. I do not believe myself in riveting these people to the soil. The noble Marquess the Leader of the Opposition used words on this subject which I always remember. He said that what he would like to see would be a graduated system of tenancy whereby a man could begin in a very small way and work himself up. That is what you will secure under the system of tenancy as against the system of ownership.

I think it was the Minister in charge of the Bill in another place who spoke of the rumination of possession. When the rumination of possession takes the form of a very unsuccessful small holding I think it is calculated to make the owner depressed and bilious. Then there is the question of intestacy, which creates all sorts of difficulties in connection with land. Zola's "La Terre," a novel which held and dismayed Mr. Gladstone, gives some idea of the passion and difficulties which arise out of a very extended peasant proprietary. What you want is mobility and elasticity of land system. You do not want to rivet people to the soil; like the man crossing a ploughed field, the holder gets

Lord Ribblesdale.

to loathe the earth that is sticking to his feet.

I pass for a moment to the machinery of the Bill. Under Clause 31 powers are given to take grazing lands in common and to attach them to these small holdings. I understand that that land can be either bought or hired by compulsion just as in other cases. I hail that as one of the most valuable provisions in the Bill. That is what is likely in many parts of the country to make the larger sort of small holdings successful. The noble Viscount who spoke last touched upon what my noble friend the President of the Board of Agriculture said about the success of the small holder when wheat was 113s. a quarter, and I think he said that if you could go back to that you might have a larger application for small holdings than you will have at present. I daresay that is true, but, as I read history, what really killed the small holder was protection, which made all his necessaries so dear, and the inclosure of the common lands. I believe the provisions of Clause 31 and the blessings of free trade will contribute a great deal to the success of this Bill. I may cite, in that respect, the success of small holders in the New Forest and in Ashdown Forest. They have common rights of various sorts, and that helps them very much.

Hard things have been said about the Board of Agriculture Commissioners. It is supposed that they will do all sorts of disagreeable and almost insensate things. It is imagined, even when a county council, composed, as the majority of these bodies are, of people who are pretty well versed in land, has carefully considered a scheme and decided that, either from the nature of the inhabitants or of the soil, or the capriciousness of the climate, the place is unsuited to small holdings, that none the less the Commissioner will swoop down and make himself extremely disagreeable. I do not believe he would do that, but, even if he did, how is the Commissioner or the Board of Agriculture to proceed against the county council? I should very much like to see them do it against the West Riding County Council. They have only, under the Bill, powers of peaceful persuasion. I do not see how the Board of Agriculture, on the recommendation of their Commissioner, could put a county council into the dock, or by what process they could possibly proceed against the council.

I like nearly the whole of the machinery of the Bill, but I do not feel very comfortable about Clause 16. That clause enables a county council to perform very considerable operations, apparently with public money, to demonstrate the feasibility of small holdings; and in this connection I remember very well that Mr. Arthur Young, who was at the Board of Agriculture and wrote many admirable books about farming, ruined himself at farming. If the Board of Agriculture are to spend a good deal of money on demonstrating the feasibility of small holdings, and by any chance are not successful, that would no doubt operate as a dismal warning to other small holdings, and would hardly be an encouragement to the purposes of the Bill. I personally believe in the individual talent of the man who farms a small holding. I think this Bill, whether it is to be a success or a failure, will be very much better demonstrated if you leave it to individuals than if you ask a Government Department, at considerable expense, to step in and carry out a series of experiments.

We have heard something about the compensation of landlords and whether it was enough. The word "compensation" in all breasts very properly raises mixed feelings and even considerable confusion of ideas; but, as far as I can see, severance is fairly provided on the giving of a lease and also deterioration on resuming. That seems to me to be fairly dealt with in Paragraph 2, Schedule I. I would like to refer with very great approval to Clause 30 and to Paragraph (4), Part II. of Schedule I., as to the provisions made, both for landlord and tenant, where only a part of a holding is taken. That, I think, was a very awkward nut to crack. People's ideas differ, but as one who farms about one-tenth of a small estate of 5,000 acres I myself feel pretty well satisfied with the provisions with regard to severance and deterioration. I began with two cows, which I kept in stalls in my stable, and with a pig which was presented to me by a lady in Huntingdonshire. Though I started in a very small way I now farm 460 acres; but I am bound to say—and I am sure my noble friend Lord Carrington will be delighted to hear it—that I did better as a small holder than I do now. But I manage very well, because I go on a profit-sharing and co-operative plan with my agent and bailiff, and I am glad that in this Bill provisions are made for co-operation.

In conclusion, my Lords, I hope this Bill will not be essentially amended. I think the whole tendency of this debate goes to show that noble Lords, as Lord Rosebery said the other night, look on this Bill as an assembly who have been bred and brought up on the land and to the land. I think we understand a great many of these subjects almost unconsciously, from the mere action of heredity and long generations behind us. I think the Bill should not be amended because it seems to me to provide, in a reasonable way, for reasonable security to the small holder; and to get on the small holder must have fair security. It does much again, I think, in a reasonable way, to make our land system more elastic on the lines indicated by the noble Marquess, Lord Lansdowne, to enable a man to begin in a small way and so work upwards without encumbrance and restriction, and with assured help and encouragement. I hope, therefore, your Lordships will give the Bill a fair and safe conduct, and that when it is in Committee, to use the felicitous expression of the right hon. Gentleman who piloted it through the other House, there will only be a happy rivalry to improve it which will come from your great store of practical knowledge and experience. A great Englishman and a great guide more than 100 years ago wrote these words—

> "The sun has risen and the corn has grown, and whatever talk has been of the dangers of property, yet he that ploughed the field has commonly reaped it and he that built a house is master of the door."

I submit that there is nothing in this Bill that will endanger any of those operations, and I beg to give it my cordial support.

VISCOUNT HILL: My Lords, at this late hour I do not intend to detain your Lordships for more than a few minutes. The noble Lord who has just sat down spoke of protection having in the past led to the decrease of small holdings, but I would remind him of the Commission appointed by Mr. Gladstone, which reported that the depopulation of the rural districts was due to foreign competition. My great fear with regard to this Bill is that the farm labourer is not sufficiently safeguarded. The noble Earl the President of the Board of Agriculture dwelt very shortly on the clause which gives compensation to these labourers. I do not think it goes far enough; and I estimate that there will be a decrease of two farm labourers for every small holding created under the Bill. The Return in the case of the Burwell estate, which was presented on my Motion, showed that on that farm of 917 acres, there were formerly thirty-nine labourers employed, but that when the estate was cut up into small holdings, twenty-one of these men had to seek employment elsewhere. As to the cost of equipment, I think it will be found in practice that considerably more will have to be added to the rent in respect of buildings and water supply than was mentioned by the noble Earl in charge of the Bill; and the question of the water supply, owing to the scarcity of water at the present moment, is going to be a very serious one in connection with these small holdings. One of the chief causes of the depopulation of the rural districts has been the introduction of labour-saving machinery in agriculture; and if the figures are worked out you can account for 166,000 farm labourers losing their employment in the last twenty-five years through this cause, which the Bill now before your Lordships does not profess to touch. It is not my desire to interfere with the Bill more than is necessary in Committee, but there are one or two points upon which Amendment will be needed to secure its successful working. Though I trust the Bill may do much in the direction desired, I am afraid there is no probability of seeing the old farm labourers returned to the land in any large number.

THE MARQUESS OF RIPON: My Lords, I cannot let this debate close without for a few moments thanking your Lordships for the reception which you have given to this Bill, and for the very fair and considerate manner in which it has been discussed. I especially desire to tender my thanks to the noble Viscount opposite, Lord St. Aldwyn, for the very interesting and valuable speech he made, and I can assure him that some of the points to which he specially directed the attention of the Government will be carefully considered before the Bill leaves the House. There is one very important matter connected with the question we have been discussing which has not been debated as much as I expected, and that is the preference which the Bill gives to hiring rather than to purchasing. The subject has been touched upon, very naturally, by my noble friend Lord Onslow, but it has not been so much debated as I thought it might have been; and there is one aspect of it on which I should like to say a word before the debate closes.

We have heard some of the reasons which have led His Majesty's Government to think that the provisions of the Act of 1892 with respect to purchase are sufficient and require no further alteration at the present moment. But, my Lords, there is an objection to the purchase of small holdings which cannot be overlooked, and that is the frequent result which follows on very limited ownership of that kind in respect to the indebtedness into which the small holder falls. I recollect well enough those ancient days that very few of your Lordships remember, when we young Radicals of that time were all believers in the doctrines of Mr. John Stuart Mill and Mr. Thornton and great advocates of peasant proprietorship. But as life has gone on, one has learnt something in these matters, and I especially learnt a good deal from having been in India. There you see before your eyes the evils which befalls the small holders of land when they get into the hands of the money-lender; and it is because we believe that that is a real danger to those persons who hold very small properties of this kind, that the Government have hesitated to take steps to encourage the increase of that sort of small holdings' and I believe we have been right in preferring the system of hiring to the system of purchase, for those and many other reasons.

A good deal has been said about the mode in which county councils will be treated under this Bill. There is nothing new in Government Departments taking powers to deal pretty summarily with great local representative institutions. I believe there are many cases in which the Board of Agriculture and the Local Government Board have powers of dealing with county councils and local authorities of a very summary kind. But I can go back to a period before the establishment of county councils—to the Education Act of 1870. That Act established excellent and valuable school boards—the great school board for London, and the other school boards in different parts of the country; and it contained a very summary clause indeed—Clause 63, I think it was—which gave to the Education Department power at their own will entirely to supersede any school board, even the great school board for London, and to appoint persons to administer the affairs of the board, and even levy rates, in the event of the default of the elected members. Those are very good precedents. When we are discussing a measure of this kind the most horrible pictures are put before us of what this Department, or that individual, is sure to do. But, my Lords, they do not turn out to be true. Public Departments are not so foolish as to act in that manner, and a little more recollection of what is the usual manner in which public affairs are administered would dissipate at once many of the fears that are often expressed. I have said from the beginning—I said so, I think, on the first night of this session—that I believed your Lordships would give to this Bill, when it came up to you, a fair consideration, and that you would not treat it in the manner in which many persons prophesied you would. I have been right, and I hope the further history of this Bill as it passes through its various stages in your Lordships' House will confirm the opinion I have already formed.

On Question, Bill read 2^a, and committed to a Committee of the Whole House on Wednesday next.

PUBLIC HEALTH (REGULATIONS AS TO FOOD) BILL.

Brought from the Commons and read 1^a, and to be printed. (No. 185).

JUDICATURE (IRELAND) BILL.

Brought from the Commons and read 1^a; to be printed; and to be read 2^a To-morrow; (*Lord Denman.*) (No. 186.)

ISLE OF MAN (CUSTOMS) BILL.

Brought from the Commons and read 1^a; to be printed; and to be read 2^a To-morrow; (The Lord Privy Seal [*Marquess of Ripon*].) (No. 187).

SEA FISHERIES (SCOTLAND) APPLICATION OF PENALTIES BILL.

House in Committee (according to order); Bill reported without Amendment; Standing Committee negatived; and Bill to be read 3^a on Wednesday next.

COUNCIL OF INDIA BILL.

House in Committee (according to order); Bill reported without Amendment; Standing Committee negatived; and Bill to be read 3^a To-morrow.

House adjourned at half-past Eleven o'clock, till To-morrow a quarter past Four o'clock.

HOUSE OF COMMONS.

Monday, 19*th August*, 1907.

The House met at a quarter before Three of the Clock.

NEW WRIT.

New Writ for the Borough of Bury St. Edmunds, in the room of Captain Frederick William Fane Harvey, now the Marquess of Bristol, called up to the House of Peers.—(*Sir Alexander Acland-Hood.*)

PRIVATE BILL BUSINESS.

Armagh Urban District Council Bill. Lords Amendments considered, and agreed to.

PRIVATE BILLS.

Ordered, That Standing Orders 220 and 246, relating to Private Bills be suspended for the remainder of the session.

Ordered, That, as regards Private Bills, to be returned by the House of Lords with Amendments, such Amendments, (if unopposed) shall be considered forthwith.

Ordered, That as regards Private Bills returned, or to be returned, by the House of Lords with Amendment, such Amendments (if opposed) shall be considered at such times as the Chairman of Ways and Means may determine.

Ordered, That, when it is intended to propose any Amendment thereto, a copy of such Amendments shall be deposited at the Private Bill Office, and notice given on the day on which the Bill shall have been returned from the Lords.—(*The Chairman of Ways and Means.*)

Dumbarton Burgh and County Tramways Order Confirmation Bill [Lords]. Dumbarton Burgh Order Confirmation Bill [Lords]. Read the third time and passed, without Amendment.

York (Micklegate Strays) (recommitted) Bill [Lords]. Reported with Amendments, from the Select Committee.

Report to lie upon the Table and to be printed.

Minutes of Proceedings to be printed. [No. 320.]

MESSAGE FROM THE LORDS.

That they have agreed to—

Prisons (Ireland) Bill, without Amendment.

London County Council (General Powers) Bill, with Amendments.

RETURNS, REPORTS, ETC.

GOVERNMENT LANDS IN BRITISH EAST AFRICA AND UGANDA.

Return presented, relative thereto [Address 7th August; *Mr. Wedgwood*]; to lie upon the Table and to be printed. [No. 312.]

LOSS OF LIFE AT SEA.

Copy presented, of Return showing the lives lost by Wreck, Drowning, or other accidents in British sea-going Merchant Ships registered in the United Kingdom during the years 1891 to 1906, inclusive [by Command]; to lie upon the Table.

DEATHS FROM STARVATION OR ACCELERATED BY PRIVATION (LONDON).

Return presented, relative thereto [Address 12th March; *Mr. Talbot*]; to lie upon the Table, and to be printed. [No. 313.]

APPOINTMENT OF JUSTICES (FEES).

Return presented, relative thereto [Address 11th July; *Mr. Herbert Samuel*]; to lie upon the Table, and to be printed. [No. 314.]

KING'S BENCH JUDGE.

Return presented, relative thereto [Address 26th July; *Mr. Herbert Craig*]; to lie upon the Table, and to be printed, [No. 315].

HOMICIDE (PUNISHMENT IN FOREIGN COUNTRIES.)

Return presented, relative thereto [Address 11th April; *Mr. George Greenwood*]; to lie upon the Table, and to be printed. [No. 316.]

TRADE REPORTS (ANNUAL SERIES.)

Copies presented, of Diplomatic and Consular Reports, Annual Series, Nos. 3903 to 3906 [by Command]; to lie upon the Table.

LOCAL TAXATION ACCOUNT, 1906–7.

Return presented, relative thereto [ordered 2nd August; *Dr. Macnamara*]; to lie upon the Table, and to be printed [No. 317.]

LONDON (EQUALISATION OF RATES) ACT 1894 ACCOUNTS UNDER SECTION 1 (7) OF THE ACT.

Return presented, relative thereto [ordered 12th August; *Dr. Macnamara*]; to lie upon the Table, and to be printed. [No. 318.]

DUBLIN HOSPITALS.

Copy presented, of Forty-ninth Report of the Board of Superintendence, with Appendices, for the year 1906–7 [by Command]; to lie upon the Table.

PRISONS (IRELAND.)

Copy presented, of Twenty-ninth Report of the General Prisons Board (Ireland) for 1906–7 with an Appendix [by Command]; to lie upon the Table.

NATIONAL EDUCATION (IRELAND.)

Copy presented, of Seventy-third Report of the Commissioners of National Education in Ireland, being for the year 1906–7 [by Command]; to lie upon the Table.

EVICTIONS (IRELAND.)

Copy presented, of Return of Evictions in Ireland for the quarter ended 30th June, 1907 [by Command]; to lie upon the Table.

IRISH LAND COMMISSION (PROCEEDINGS.)

Copy presented, of Return of Proceedings during the months of April, May, and June, 1907 [by Command]; to lie upon the Table.

CUSTOMS.

Copy presented, of Fifty-first Report of the Commissioners of Customs for the year ended 31st March, 1907 [by Command]; to lie upon the Table.

PUBLIC WORKS LOAN ACT, 1875.

Copy presented, of Further Regulations made by the Public Works Loan Commissioners [by Act]; to lie upon the Table.

NAVY (CANTEEN AND VICTUALLING ARRANGEMENTS.)

Copy presented, of Report of the Committee appointed to inquire into the question of the Canteen and Victualling Arrangements in his Majesty's Fleet [by Command]; to lie upon the Table.

SUGAR CONVENTION.

Address for "Return of the Petitions and Representations made by public bodies and private associations in India upon the Sugar Convention."—(*Sir Gilbert Parker.*)

ADJOURNMENT MOTIONS UNDER STANDING ORDER No. 10.

Return ordered, "of Motions for Adjournment under Standing Order No. 10, showing the date of such Motion, the name of the Member proposing, the definite matter of urgent public importance, and the result of any Division taken thereon during session 1907 (in continuation of Parliamentary Paper, No. 382, of session 1906)."—(*Mr. Caldwell.*)

CLOSURE OF DEBATE (STANDING ORDER No. 26.)

Return ordered, "respecting application of Standing Order No. 26 (Closure of Debate) during session 1907 (1) in the House and in Committee of the Whole House, under the following heads :—

1.	2.	3.	4.	5.	6.
Date when closure moved, and by whom.	Question before House or Committee when moved.	Whether in House or Committee.	Whether assent given to Motion or withheld by Speaker or Chairman.	Assent withheld because, in the opinion of the Chair, a decision would shortly be arrived at without that Motion.	Result of Motion, and, if a Division, Numbers for and against.

(in continuation of Parliamentary Paper No. 383, of session 1906) ; and (2) in the Standing Committees under the following heads :—

1.	2.	3.	4.	5.	6.
Date when Closure moved, and by whom.	Question before Committee when moved.	Standing Committee.	Whether assent given to Motion or withheld by Chairman.	Assent withheld because, in the opinion of the Chair, a decision would shortly be arrived at without that Motion.	Result of Motion and, if a Division, Numbers for and against.

—(*Mr. Caldwell.*)

PUBLIC BILLS.

Return ordered, "of the number of Public Bills, distinguishing Government from other Bills, introduced into this House, or brought from the House of Lords, during session 1907 ; showing the number which received the Royal Assent ; the number which were passed by this House, but not by the House of Lords ; the number passed by the House of Lords, but not by this House ; and distinguishing the stages at which such Bills as did not receive the Royal Assent were dropped or postponed and rejected in either House of Parliament (in continuation of Parliamentary Paper, No. 0.209, of session 1906)."—(*Mr. Caldwell.*)

PUBLIC PETITIONS.

Return ordered, "of the number of Public Petitions presented and printed in session 1907 ; with the total number of signatures in that year (in continuation of Parliamentary Paper, No. 0.227, of session 1906)."—(*Mr. Caldwell.*)

SELECT COMMITTEES.

Return ordered, "of the number of Select Committees appointed in session 1907 (including the Standing Committees of Law and Trade) and the Court of Referees ; the subjects of inquiry ; the names of the Members appointed to serve on each, and of the Chairman of each ; the number of days each Committee met, and the number of days each Member attended; the total expense of the attendance of witnesses at each Select Committee, and the name of the Member who moved for such Select Committee; also the total number of Members who served on Select Committees (in continuation of Parliamentary Paper, No. 0.226, of session 1906)"—(*Mr. Caldwell.*)

STANDING COMMITTEES.

Return ordered, "for the session of 1907, of (1) the total number and the names of all Members (including and distinguishing Chairmen) who have been appointed to serve on one or more of the four Standing Committees appointed under Standing Order No. 47, showing, with regard to each of such Members, the number of sittings at which he was present and the number of divisions in which he took part; and (2) the number of Bills considered by all and by each of the Standing Commitees, the number of days on which each Committee sat, and the names of all Bills considered by a Standing Committee, distinguishing where a Bill was a Government Bill or was brought from the House of Lords, and showing, in the case of each Bill, the particular Standing Committee by whom it was considered, the number of days on which it was considered by the Committee, and the number of Members present on each of those days."—(*Mr. Caldwell.*)

POST OFFICE (EAST INDIA, CHINA, AND AUSTRALIAN MAILS).

Return presented, relative thereto [ordered 19th August; *Mr. Runciman*]; to lie upon the Table, and to be printed. [No. 311.]

SITTINGS OF THE HUOSE.

Return ordered, "of the number of days on which the House sat in Session 1907, stating for each day the date of the month and day of the week, the hour of the meeting, and the hour of adjournment; and the total number of hours occupied in the Sittings of the House, and the average time; and showing the number of hours on which the House sat each day, and the number of hours after eleven p.m.; and the number of entries in each day's Votes and Proceedings (in continuation of Parliamentary Paper, No. 0.228, of Session 1906)."—(*Mr. Caldwell.*)

BUSINESS OF THE HOUSE (DAYS OCCUPIED BY GOVERNMENT AND BY PRIVATE MEMBERS).

Return ordered, "showing, with reference to Session 1907, (1) the number of sittings at which Government Business had precedence under the Standing Orders during the entire Sitting; (2) the number of Sittings on Tuesdays and Wednesdays at which precedence was given to Government Business up till 8.15 p.m. and to Private Members at 8.15 p.m., and the number of Sittings on Fridays at which Private Members had precedence under the Standing Orders; (3) the number of Sittings at which Government Business was given precedence under a special order of the House during the entire Sitting; (4) the number of Saturday Sittings; (5) the total number of Sittings at which Government Business had precedence; (6) the total number of days on which the House sat; and (7) the number of days on which Business of Supply was considered (in continuation of Parliamentary Paper, No. 384, of Session 1906."—(*Mr. Caldwell.*)

PRIVATE BILLS AND PRIVATE BUSINESS.

Return ordered, "of the number of Private Bills, Hybrid Bills, and Bills for confirming Provisional Orders introduced into the House of Commons and brought from the House of Lords, and of Acts passed in Session 1907, classed according to the following subjects:—Railways; Tramways; Tramroads; Subways; Canals and Navigation; Roads and Bridges; Water; Waterworks; Gas; Gas and Water; Lighting and Improvement; Police and Sanitary Regulations, Corporations, etc., not relating to Police and Sanitary Regulations or to Lighting and Improvement Schemes; Ports, Piers, Harbours, and Docks; Churches, Chapels, and Burying Grounds; Markets and Fairs; Gaols and other County Buildings; Inclosure and Drainage; Estate; Patent; Divorce; Naturalisation; Hospitals, Name, Legitimisation, and Miscellaneous;"

"Of all the Private Bills, Hybrid Bills, and Bills for confirming Provisional Orders, which in Session 1907 have been reported on by Committees on Opposed Private Bills or by Committees nominated partly by the House and partly by the Committee of Selection, together with the names of the selected Members who served on each

Committee; the first and also the last day of the sitting of each Committee; the number of days on which each Committee sat; the number of days on which each selected Member has served; the number of days occupied by each Bill in Committee; the Bills the Preambles of which were reported to have been proved; the Bills the Preambles of which were reported to have been not proved; and, in the case of Bills for confirming Provisional Orders whether the Provisional Orders ought or ought not to be confirmed;"

"Of all Private Bills and Bills for confirming Provisional Orders which in Session 1907 have been referred by the Committee of Selection, or by the General Committee on Railway and Canal Bills, to the Chairman of the Committee of Ways and Means, together with the names of the Members who served on each Committee; the number of days on which each Committee sat; and the number of days on which each Member attended;"

"And, of the number of Private Bills, Hybrid Bills, and Bills for confirming Provisional Orders withdrawn or not proceeded with by the parties, those Bills being specified which have been referred to Committees and dropped during the sittings of the Committee (in continuation of Parliamentary Paper, No. 0.224, of Session 1906)."—(*Mr. Caldwell.*)

RESIDENT MAGISTRATES (IRELAND)

Return ordered, "showing the former vocation of all Resident Magistrates now serving in Ireland, as in Parliamentary Paper No. 262, of Session 1895, together with date of appointment, age, and present salaries."—(*Mr. Jeremiah MacVeagh.*)

POST OFFICE (EAST INDIA, CHINA, AND AUSTRALIAN MAILS).

Copy ordered, "of Contract dated the 7th day of August, 1907, between the Postmaster-General and the Peninsular and Oriental Steam Navigation Company for the conveyance of the East India, China, and Australian Mails for the period from the first day of February, 1908, to the 31st day of January, 1915, together with a Copy of a Treasury Minute thereon, dated the 15th day of August, 1907."—(*Mr. Runciman.*)

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

Australian Import Tariff.

MR. LONSDALE (Armagh, Mid.): To ask the President of the Board of Trade whether his attention has been called to the Report of the Advisory Committee on Commercial Intelligence, showing that the proportion of the Australian import trade which is in the hands of British firms has fallen from 71·3 per cent. in 1891–5 to 58·3 per cent. in 1901–5, while that of foreign countries has risen from 17·1 per cent. to 28 per cent.; whether, by the new Australian tariff, a preference is granted on articles of British produce and manufacture, the annual value of which is estimated at between £1,200,000 and £1,300,000; and whether His Majesty's Government can do anything, consistently with their fiscal policy, to co-operate with the Commonwealth Government in an effort to promote trade between the United Kingdom and Australia.

(*Answered by Mr. Lloyd-George.*) I have seen the Report referred to. I understand that the Commonwealth Government estimate the value of the preference to be accorded to British goods under their new tariff at about the amount quoted in the Question. I have, however, no copy of the complete tariff, and I am consequently unable to verify the figures or to say whether on the whole conditions in regard to British trade have been improved by the changes of duty. It is the desire of His Majesty's Government to do anything in their power consistently with their policy to promote trade between the United Kingdom and Australia, and I hope that the appointment of commercial agents will do something in this direction.

British Embassy at Tokio—Qualifications of Medical Officers.

SIR W. J. COLLINS (St. Pancras, W.): To ask the Secretary of State for Foreign Affairs whether the medical officer to the British Embassy at Tokio is a legally qualified medical practitioner in accordance with the requirements of the Medical Act, 1858.

(*Answered by Secretary Sir Edward Grey.*) I must remind the hon. Member that on the 4th June last, in reply to a similar Question, I informed him that I was not prepared to make any statement involving an interpretation of any part of the Medical Acts. I must adhere to what I then said.

Issuing of Rations to Marines at Devonport.

SIR JOHN BENN (Devonport): To ask the Secretary to the Admiralty whether, in the distribution of the meat rations to the married Marines at Devonport, he will take steps to secure to the lower ranks of the service their fair proportion of quality as well as quantity; and whether in view of the dissatisfaction which prevails as to the purchase and allocation of the meat, he will reconsider his decision as to granting to the men the sixpence per day in lieu of these rations.

(*Answered by Mr. Lambert.*) Every possible precaution is taken to secure the issue to all ranks of their fair proportion of ration meat both as regards quality and quantity. No complaints have been made, and the Admiralty have no reason to believe that dissatisfaction prevails. The Deputy Adjutant-General inspected the Division on the 23rd ultimo, and any man with a grievance had an opportunity of complaining, but none did so. It is not desirable, either in the interests of the service or of the men's health, that any change in the present practice of issuing rations in kind should be made.

Payment of Compensation for Injuries by Glasgow Distress Committee.

MR. BARNES (Glasgow, Blackfriars): To ask the Secretary for Scotland if his attention has been directed to the surcharging of the Glasgow Distress Committee with the amount of compensation for injuries sustained by workmen employed by the body in question; and, if so, will he explain why this surcharge has been made, having regard to the fact that other distress committees have paid compensation or insured workmen employed by them.

(*Answered by Mr. Sinclair.*) I may inform my hon. friend that it is not the case that the Glasgow Distress Committee has been surcharged with the amount of compensation for injuries sustained by workmen employed by them. The Auditor, however, has made an interim Report on the payments in question, which is at present under the consideration of the Local Government Board for Scotland.

Irish Evicted Tenants—Delay in Reinstating Arthur Vallely.

MR. MCKILLOP (Armagh, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he can give any reason for the delay in the reinstating of Arthur Vallely, an evicted tenant on the estate of the late R. J. M'Geough, of county Armagh, the estate having been inspected by the Commissioners and the other evicted tenants on the estate having been reinstated.

(*Answered by Mr. Birrell.*) The Estates Commissioners inform me that they have received their inspector's report on this case, but have found it necessary to direct the inspector to make further inquiries in the matter.

Drainage of Ely Militia Barracks.

MR. RAWLINSON (Cambridge University): To ask the Secretary of State for War whether the drainage of the Militia barracks at Ely has been condemned by the representatives of the War Office; and whether any and what steps are being taken by the War Office to remedy the defects in the drainage system.

(*Answered by Mr. Secretary Haldane.*) The drainage of these barracks requires reconstruction. The work, however, has not yet been begun until the question of changes of accommodation that may be involved by the operation of the Territorial and Reserve Forces Bill has been settled.

Brazil Coffee Crop.

MR. REES (Montgomery Boroughs): To ask the Secretary of State for Foreign Affairs whether he will place in the Library any Reports he may have regarding the expected coffee crop of Brazil for 1907–8 and 1908–9, upon which it is understood a Commission has reported.

(*Answered by Secretary Sir Edward Grey.*) We have no special Report on this subject; but His Majesty's Consul-General has reported that the crop for the whole of Brazil for 1907–8 is estimated at 15,000,000 bags. We have no reliable figures for 1908–9.

Promotion in Durham Post Office.

MR. CURRAN (Jarrow): To ask the Postmaster-General whether he is aware that the postmaster of Durham told a deputation of postmen that he had not recommended any of them for promotion because the men in Durham knew each other too well, but that he had no fault to find with the capabilities of the men, and that he had recommended one man for promotion anywhere but in Durham, and that he maintained that a man could not enforce discipline amongst those with whom he had worked; and whether, in view of the right hon. Gentleman's statement that he would not countenance the exclusion of well-qualified Durham officers from promotion in their own office, he will look further into this case.

(*Answered by Mr. Sydney Buxton.*) I will make inquiry on the subject of the hon. Member's Question.

Holders of Irish Guaranteed Land Stock.

MR. FETHERSTONHAUGH (Fermanagh, N.): To ask the Secretary to the Treasury how much of the £11,775,000 Guaranteed Land Stock issued under the Purchase of Land (Ireland) Act, 1891, and not acquired for the sinking fund, is held by the public; and what persons or bodies other than the public hold any of the stock.

(*Answered by Mr. Runciman.*) I do not think that I can usefully add to the information contained in my Answer on 23rd April to the hon. Member for South Roscommon.†

Conveyance of Convicts in Unreserved Railway Carriages.

MR. FETHERSTONHAUGH: To ask the Secretary of State for the Home Department whether he is aware that convicts and prisoners (the former handcuffed) with their police escorts at present travel in trains in carriages along with other passengers; and whether, out of regard to the feelings of such convicts and prisoners as well as of the ordinary passengers, he can make arrangements for convicts and prisoners and their escorts to travel in special compartments reserved for the purpose.

(*Answered by Mr. Secretary Gladstone.*) So sar as convicts and convicted prisoners are concerned, governors of prisoners have instructions, whenever occasion arises for removing them by railway, to apply beforehand for compartments to be reserved, and I have no reason to doubt that as a general rule the railway officials are able to comply with these applications. When prisoners come into police custody it obviously must often be impossible to ask beforehand for a compartment to be reserved, and the officers may be unable to get a compartment reserved on the spur of the moment. This is not a matter with regard to which I have any authority to give general instructions to the police, but I feel confident that police officers having prisoners in custody do their utmost to keep them as far as possible separate from other passengers on the railways.

German Shipbuilding Programme.

MR. NIELD (Middlesex, Ealing): To ask the Secretary to the Admiralty whether all the ships of the German programme of 1906 are now laid down; whether any, and, if so, how many, of the German programme of 1907, consisting of two battleships, one large armoured cruiser, two unarmoured cruisers, and twelve large destroyers, have already been laid down; and whether he will give the dates when each of the vessels were respectively commenced.

(*Answered by Mr. Lambert.*) Various Reports have appeared in the Press, but the Admiralty have no official information on the subject.

Promotion of Ridley Clerks.

MR. ALDEN (Middlesex, Tottenham): To ask the President of the Board of Education how many Ridley clerks of the Second Division are at present serving in his Department; and how many clerks have been promoted from this class to minor staff posts, staff posts, and higher grade Second Division posts, respectively, therein.

(*Answered by Mr. McKenna.*) The number of Ridley clerks of the Second Division at present serving under the Board of Education, including those who hold minor staff posts with salaries not exceeding the maximum of the higher grade of the Second Division, is 188. Of these the number promoted to minor staff posts is twenty-five, and higher grade, Second Division, posts one. There is also one Ridley clerk who has been promoted to a staff clerkship above the Second Division.

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† See (4) *Debates*, clxxii., 1551.

MR. ALDEN: To ask the President of the Local Government Board whether, in view of the fact that the proportion of promotions to the number of clerks serving in his Department in the case of second class clerks of the Higher Division appointed under the Order in Council 15th August, 1890, is sixteen to twenty-three, and in the case of Ridley clerks of the Second Division is one to 113, he can see his way to remedy the disparity of treatment thus shown.

(*Answered by Mr. John Burns.*) There have been many promotions since 1890 of clerks in the Second Division serving in this Department. The Ridley clerks are included in that division, and the reason why the promotions have not, except in one instance, been made from amongst them is that there have been senior clerks in the division whose claims had first to be considered. The time for promotions to be made from the Ridley clerks will come in due course.

Duties of Clerks to Boards of Guardians.

MR. BARNARD (Kidderminster): To ask the President of the Local Government Board what are the duties generally of a clerk to a board of guardians; what is his position, powers, and duties so far as the guardians themselves and other officers of the union are concerned; whether by statute, Local Government Board's Orders, or otherwise there is any responsibility cast upon a clerk to supervise or control the affairs of any department the head of which is a directly accounting officer to the guardians and to the district auditor; the date when the Local Government Board's Orders relating to the duties, etc., of officials of boards of guardians now in force were framed; whether the same have been found satisfactory and sufficient; and, if not, when it is proposed to remodel them so as to meet present day requirements.

(*Answered by Mr. John Burns.*) It is the duty of a clerk to a board of guardians to attend and keep minutes of their meetings, to conduct their correspondence, to prepare estimates of their expenditure, and also any contracts and agreements to be entered into with them. He has to conduct all applications on behalf of the guardians before justices, and, if he is a solicitor, to perform their ordinary legal business. It is his duty to keep the accounts of the guardians, and to examine certain accounts of other officers. He is to communicate to the several officers all orders and directions of the Local Government Board or of the guardians, and, so far as may be, to give the instructions requisite for their execution and to report to the guardians any neglect or failure therein which may come to his knowledge. He must prepare reports and returns, and observe the lawful orders and directions of the guardians applicable to his office, and it is incumbent on him to assist the guardians generally in the administration of the relief of the poor and otherwise in carrying the Poor Law Acts into execution. The chief orders on the subject are the General Consolidated Order of 1847, the Amending Order of 1866, and the Order for Accounts of 1867. These Orders have, speaking generally, been found satisfactory and sufficient. If I find that they need alteration I shall be prepared to amend them.

Precautions against Introduction of Tsetse Fly into Indian Ports.

MR. REES: To ask the Secretary of State for India whether the Government India have taken any precautions against the introduction of the tsetse fly from the East Coast of Africa into Indian ports.

(*Answered by Mr. Secretary Morley.*) I have no information on the subject, but will bring it to the notice of the Government of India. Effective precautions might not be easy and may not be required, as Indian cattle are found to resist organisms of the Trypanosoma type similar to those conveyed by the bite of the African tsetse fly.

Irish Poor Law Administration.

MR. FIELD (Dublin, St. Patrick): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he can state what the Government propose to do respecting the Viceregal Report upon the Poor Law administration and treatment of lunatics in Ireland; and whether he is aware that both those questions are regarded as extremely urgent by the majority of Irish county councils, who favour efficiency, economy, and reform.

(*Answered by Mr. Birrell.*) The great majority of the recommendations of the Viceregal Commission would require legislation to give effect to them. The question of legislation will receive full consideration, but it is one of considerable magnitude and complexity, and I cannot at present make any statement as to when it may be possible to introduce legislation on the subject. I have already stated that if the local authorities concerned should desire that effect may be given to any particular recommendations which can be carried out under the existing law, the Local Government Board will give prompt and favourable consideration to the matter.

Compensation for Damage for Malicious Injuries in Dublin.

MR. FIELD: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he can furnish a Return showing the amount of compensation for malicious injuries levied off the city of the county of Dublin, and the county of Dublin, during the past financial year; whether, in the majority of cases, the full amount of compensation was covered by insurance; whether the Government contemplate the necessity of amending the Local Government Act, 1898, so as to relieve the ratepayers from this burden; and whether the insurance companies could be compelled to give a contribution in such cases.

(*Answered by Mr. Birrell.*) During the past financial year the total amount awarded as compensation for malicious injuries was: in the county of the city of Dublin, £48 19s. 7d., and in the county of Dublin, £170 11s. 5d. There is no precise information as to the number of cases in which the amount of compensation was covered by insurance, but, so far as the information of the police authorities goes, the compensation was not so covered in the majority of cases. I am not at present in a position to promise amending legislation in the matter. In the present state of the law the insurance companies could not be compelled to contribute towards the compensation.

Irish Congested Districts Board—Accounts of Boats Worked on the Share System.

MR. HUGH LAW (Donegal, W.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he will suggest to the Congested Districts Board the advisability of furnishing, at the commencement of the fishing season, to the captain or instructor of each of the Board's boats, which are worked on the share system, a statement showing to date the amounts, respectively, paid up by the crews and still owing to the Board on account of purchase of boat and nets, repairs, etc.

(*Answered by Mr. Birrell.*) A statement of account for each boat worked on the share system is published annually in the Report of the Congested Districts Board, and the crews are well aware that they can at any time obtain a statement of account on application. In the circumstances the Board do not think it necessary to adopt the hon. Member's suggestion.

Government Employees—Compensation for Injuries.

MR. W. T. WILSON (Lancashire, Westhoughton): To ask the Prime Minister whether it is the intention of the Government to introduce a new scheme of compensation in case of injury to or death by accident of any employee in Government establishments, in lieu of the scheme approved by the registrar in 1905; and, if so, whether sufficient time will be given to those interested to consider the same before it is submitted to the registrar for approval.

(*Answered by Sir H. Campbell-Bannerman.*) It is not intended to introduce a new scheme; but the existing scheme will be submitted to the Registrar of Friendly Societies for re-certification under Section 15 of the Act. No workman will be obliged to enter into a new contract under the scheme if he prefers to abide by the provisions of the Act.

QUESTIONS IN THE HOUSE.

Naval Shipbuilding.

MR. LONSDALE (Armagh, Mid.): I beg to ask the Secretary to the Admiralty when it is intended to lay down the additional battleship of the "Dreadnought" type which was held in abeyance pending the result of the Hague Conference.

THE CIVIL LORD OF THE ADMIRALTY (Mr. LAMBERT, Devon, South Molton): I have nothing to add to the statement made by the Secretary to the Admiralty on Vote 8.

MR. BYLES (Salford, N.): In view of the proposal put forward by Sir E. Fry at the Hague Conference, cannot the construction of this "Dreadnought" be frankly abandoned ?

MR. LAMBERT: I can only repeat the Answer I have given.

The Home Fleet.

MR. GRETTON (Rutland): I beg to ask the Secretary to the Admiralty how many battleships, cruisers, and torpedo craft of the Home Fleet are to be repaired during the remainder of the current financial year.

MR. LAMBERT: According to present arrangements two battleships, five cruisers, four fleet auxiliaries, and fifteen torpedo craft, belonging to the Home Fleet, are due for repair during the remainder of the financial year. At the present time, two battleships, four cruisers, two fleet auxiliaries, and thirteen torpedo craft are undergoing repair.

Royal Marines' Rations.

MR. MILDMAY (Devonshire, Totnes): I beg to ask the Secretary to the Admiralty whether, with regard to the issue of rations (meat and bread) to the men of the Royal Marines quartered ashore, he will consider the possibility of reverting to the old conditions, under which married men had the option of drawing or not drawing their rations, in the latter case receiving an allowance of 6d. per day in lieu.

MR. LAMBERT: The hon. Member would appear to have been misinformed. Under the old system if a married Marine living on shore did not draw his ration of meat in kind, he received no allowance in lieu. It would not, therefore, be in the interests of the men themselves to revert to this system.

Portsmouth Dock Accommodation.

MR. FELL (Great Yarmouth): I beg to ask the Secretary to the Admiralty if the "Bellerophon" had to be undocked at Portsmouth to enable the "Dreadnought" to be docked for new steering gear to be fitted; and if there is only one dock at Portsmouth capable of accommodating ships of this class.

MR. LAMBERT: The answer to the first Question is in the negative, and to the second in the affirmative.

Middlesex Imperial Yeomanry—Case of A. H. Smith.

MR. J. WARD (Stoke-on-Trent): I beg to ask the Secretary of State for War whether his attention has been called to the case of Arnold Hardy Smith, a member of the Middlesex Imperial Yeomanry, who was charged before the King's Heath, Birmingham, magistrates on 14th August with being an absentee; whether he is aware that the man had served in South Africa with Paget's Horse and had attended all the drills and previous trainings of the corps, and that medical certificates were in possession of the commanding officer explaining this absence; that the man was remanded in custody to await an escort, bail being refused; will he state if such action was taken under the penal clauses of the new Territorial Forces Act; and what action, if any, he proposes to take in the matter.

THE FINANCIAL SECRETARY TO THE WAR OFFICE (Mr. BUCHANAN, Perthshire, E.): This case is still pending before the Court, and it would not be proper for me to express an opinion upon it. The action was not taken under the Territorial Forces Act, for that Act has not yet come into operation.

MR. J. WARD: Arising out of that Answer may I ask if the penal clause under which this action was taken is not exactly similar to the one contained in the Territorial Forces Act ?

MR. BUCHANAN: I cannot say for certain. I believe action was taken under the Yeomanry Act of 1901.

Cavalry Quartered in Infantry Barracks.

VISCOUNT TURNOUR (Sussex, Horsham): I beg to ask the Secretary of State for War if he can state the number of cases which have occurred during the last thirty years in peace time in which a cavalry regiment has been stationed in infantry barracks or a cavalry regiment has been stationed five miles away from its horses.

MR. BUCHANAN: Barracks have been re-appropriated from time to time for the various arms of the service, but it has not been deemed necessary to work out in detail the cases that have occurred in the last thirty years.

VISCOUNT TURNOUR: Will the hon. Gentleman answer the last part of my Question?

MR. BUCHANAN: No such case has occurred or does occur.

VISCOUNT TURNOUR: Is there not a case to occur?

MR. BUCHANAN: No, Sir.

VISCOUNT TURNOUR: I am under a different impression.

Piershill Barracks.

VISCOUNT TURNOUR: I beg to ask the Secretary of State for War whether any decision has yet been come to as to the future of Piershill Barracks; and whether steps will soon be taken either to render the barracks fit for occupation by a cavalry regiment or else to sell the site.

MR. BUCHANAN: Piershill Barracks are at present under repair; when these repairs are completed they will be occupied by a brigade of Royal Field Artillery. There is no intention of selling the site.

VISCOUNT TURNOUR: I beg to ask the Secretary of State for War if he can state what the cost of upkeep per week of the Piershill Barracks has been during the time that it has been unoccupied.

MR. BUCHANAN: The cost of upkeep for barrack wardens, labourers, and watchmen is £5 10s. a week. The sum set apart for the repairs amounts to £2,250.

The Scots Greys.

VISCOUNT TURNOUR: I beg to ask the Secretary of State for War whether travelling allowance will be given to the officers, non-commissioned officers, and men of the 2nd Dragoons (Royal Scots Greys) for their three daily journeys between Tidworth and Bulford.

I beg also to ask the Secretary of State for War whether he is yet in a position to state where the officers of the 2nd Dragoons (Royal Scots Greys), for whom there is not room in Tidworth Barracks, will be accommodated during the winter.

MR. BUCHANAN: These two Questions deal with the arrangements that may be necessary for the quartering of the regiment during the forthcoming winter, upon which it would be impossible at present to make any detailed statement.

VISCOUNT TURNOUR: Is the hon. Gentleman aware that the Secretary of State for War practically stated in the House last week that this regiment was going to have its horses moved to Bulford during the winter?

MR. BUCHANAN: In the event of the stables at Tidworth not being completed by the commencement of winter the horses will be stabled at Bulford, and if that should be the course adopted officers and non-commissioned officers and men sufficient to look after the horses would be stationed at Bulford.

VISCOUNT TURNOUR: Is the hon. Gentleman aware that these stables have not yet been commenced, if about twenty stakes driven into the ground is excepted? I beg to give notice that in consequence of the hon. Gentleman's extraordinary reply and the intimation of the Secretary of State last week, I shall refer to this matter upon the Third Reading of the Appropriation Bill.

MR. J. WARD: I should like to ask the hon. Member whether his department has received any complaints from the officers of the regiment in reference to this matter?

MR. BUCHANAN: No, Sir.

VISCOUNT TURNOUR: Has the hon. Gentleman received any complaints from members of the regiment other than the officers?

MR. BUCHANAN: No, Sir.

Post and Telegraph Rates to British Central Africa.

*MR. REES (Montgomery Boroughs): I beg to ask the Under-Secretary of State for the Colonies whether he is aware that the postage on newspapers in the British Central Africa Protectorate is the same as that of an ordinary half-ounce letter; whether he will take steps to reduce it to half the ordinary rate for newspapers duly registered at the Post Office as newspapers; whether he is aware that the rates charged for telegrams between different stations in the Protectorate are so high as to restrict the use of the telegraph; and will he inquire into the matter in view to reductions being made.

THE UNDER-SECRETARY OF STATE FOR THE COLONIES (Mr. CHURCHILL, Manchester, N.W.): I am aware that the minimum charge for the conveyance of newspapers and letters in the British Central Africa Protectorate is the same; but in the case of newspapers, four ounces are conveyed for a penny; in the case of letters half-ounce is the limit. The officer administering the Government of the Protectorate will be consulted as to the possibility of a reduction in newspaper postage. As regards the second part of my hon. friend's Question, the cost of telegraph messages within the limits of the British Central Africa Protectorate and North-Eastern Rhodesia is 3d. per word with a minimum charge of 2s. 6d. No complaint has reached me that these rates are so high as to restrict the use of the telegraph. My hon. friend is, of course, aware that the telegraph wires are in the hands of a private company, and are not the property of the Government.

Repatriation of the Chinese Coolies.

MR. MACKARNESS (Berkshire, Newbury): I beg to ask the Under-Secretary of State for the Colonies whether he can state when the next shipload of Chinese coolies now working in the Transvaal mines will leave South Africa for China; and how many coolies will be repatriated.

MR. CHURCHILL: I will inquire.

Chinese Labour Contracts in the Transvaal.

MR. WALSH (Lancashire, Ince): I beg to ask the Under-Secretary of State for the Colonies whether he is aware that Sir George Farrer, leader of the Opposition, thanked the Transvaal Government from his place in Parliament for their decision to allow the Chinese coolies to complete their contract, notwithstanding any provisions to the contrary in the Letters Patent granting the Constitution; whether the conditions of service under which the contracts are to be completed have been laid before the Secretary of State; and whether he can say in what respect the conditions differ from those contained in the Ordinance of 1904.

MR. CHURCHILL: I would refer the hon. Member to my Answer to the hon. Member for Preston on the 12th instant in which it was stated that no official information as to the details of the recent indentured labour legislation in the Transvaal has yet been received by the Secretary of State. The Secretary of State has no information as to the statement alleged to have been made by Sir George Farrer.

Transvaal Native Administration Bill.

*SIR CHARLES DILKE (Gloucestershire, Forest of Dean): I beg to ask the Under-Secretary of State for the Colonies whether His Majesty's Government have now received from the Transvaal any reply to their telegraphic inquiry as to the Bill published in an extraordinary Government Gazette of Saturday, 3rd August, abolishing the access of natives to the Courts of Law in respect of decisions administratively taken by which individual natives or whole tribes can be transferred against their will from one district to another, and now said to have been withdrawn.

*MR. REES: At the same time may I ask the Under-Secretary of State for the Colonies whether the Transvaal Native Administration Bill is withdrawn.

Mr. CHURCHILL: I will reply to this Question and also to that of the hon. Member for Montgomery Boroughs together. The Governor has replied that in the opinion of his Ministers it is quite impossible to give an account of so important and complicated a Bill by telegraph, but that a full Report will be sent by mail. The Governor adds that the objects of the Bill were reasonable and fair, but questions arose out of its drafting which required further consideration, and his Ministers therefore preferred to withdraw the first part of the Bill till next Session. The second part has passed both Houses, but is of course reserved for the signification of His Majesty's pleasure. I understand that the matters in which the right hon. Gentleman the Member for the Forest of Dean is specially interested are contained in the first part.

The Colonies and the Sugar Convention.

Sir GILBERT PARKER (Gravesend): I beg to ask the Under-Secretary of State for the Colonies whether any additional petitions and representations have been received by the Colonial Office from the Australian and other Colonies upon the Sugar Convention since the publication of Cd. 3565.

Mr. CHURCHILL: Twelve more have been received and the hon. Member shall be supplied with a list.

Australian Tariff.

Mr. LONSDALE (Armagh, Mid.): I beg to ask the Under-Secretary of State for the Colonies whether representations have been made to him with reference to the hardship upon British traders consequent upon the coming into operation of the new Australian tariff without notice; whether the Australian Government have been asked to postpone the operation of the tariff; and, if any such communication has been made, whether he can give the terms of the reply.

Mr. CHURCHILL: The Secretary of State has received representations in the sense indicated by the hon. Member; and a telegram has been sent to the Governor-General asking him to inform his Ministers that such representations have been made. No reply has yet been received.

Morenga.

Mr. LONSDALE: I beg to ask the Under-Secretary of State for the Colonies whether he is aware of the circumstances under which the Hottentot chief Morenga is in the neighbourhood of the German border.

Mr. CHURCHILL: From what took place at an interview with the German Consul-General early in June it appeared possible that Morenga would agree to surrender himself on the terms offered to him. He was warned later that he was not to proceed to German South-west Africa without notice to the German authorities through the Cape Government, and orders were given at the same time, the middle of June, that a watch should be kept on his movements. Morenga succeeded in crossing the frontier on 13th August, with the police in pursuit. The Secretary of State is waiting full information as to the circumstances in which Morenga was able to make good his passage.

Mr. LONSDALE: I beg to ask the Secretary of State for Foreign Affairs whether any assurances have been given by His Majesty's Government to the German Government with reference to the Herrero leader, Morenga; and, if so, what is the nature of such assurances.

The FINANCIAL SECRETARY to the TREASURY (Mr. Runciman, Dewsbury; for Sir Edward Grey): The German Government were informed on the 9th instant of the communication made by the Government of the Cape of Good Hope to Morenga through the resident magistrate at Upington to the following effect: that the uncertainty of his movements and his presence near the German border were a cause of anxiety and disturbance, that he must immediately select a locality away from the German frontier and approved of by the local authorities at which he was to take up his permanent residence, and that failing compliance he would be deported from the Colony. Unfortunately, since these assurances were given a telegram has been received from the Cape Government reporting that Morenga has eluded the vigilance of the local authorities, and crossed the German frontier on the 13th instant. Immediately on the receipt of the news, the Cape Government telegraphed to the local authorities that asylum could no longer be given to Morenga within British territory. And they have informed the German authorities that every possible assistance will be rendered to them in their endeavours to capture Morenga. A subsequent telegram states that the circumstances connected with the inroad are forming the subject of careful investigation. His Majesty's Government very much regret the trouble and disturbance of the peace which has been caused by the occurrence, and trust that everything in the power of the British authorities will be done to stop the consequences of it.

Newfoundland Fisheries.

Mr. LONSDALE: I beg to ask the Secretary of State for Foreign Affairs whether any conclusion has been reached with reference to the Newfoundland fisheries question.

Mr. RUNCIMAN: The Answer is in the negative. The negotiations are still proceeding, and my right hon. friend is unable at present to give any information beyond that which he has already given in reply to previous Questions on the subject.

The Grant to Jamaica.

Mr. FELL: I beg to ask Mr. Chancellor of the Exchequer in what way it is proposed to raise the loan of £800,000 to be made to the Government of Jamaica; and whether any part of that sum has yet been advanced.

The CHANCELLOR of the EXCHEQUER (Mr. Asquith, Fife, E.): The proposal of the Government is already before the House in Clause 4 of the Public Works Loans Bill, to which I may refer the hon. Member. No part of the amount has yet been advanced.

The Price of Coal.

Mr. FELL: I beg to ask Mr. Chancellor of the Exchequer if his attention has been called to a statement of Sir George Livesey, at the meeting of the South Metropolitan Gas Company, to the effect that the abolition of the export duty of 1s. per ton had unduly raised the cost of coal and had increased the foreign demand for it, to the detriment of the industries of this country; and whether, having regard to the price of coal likely to prevail during this coming winter and to the hardship that this will entail, he will consider the suggestion of Sir George Livesey to impose an export duty of 2s. a ton so as to put some check on excessive export.

Mr. FENWICK (Northumberland, Wansbeck) asked whether the right hon. Gentleman was aware that the cost of coal at the pit mouth was only 8s. 5¾d. per ton, and that the excessive price which the consumer had to pay was due to the action of the middlemen taking advantage of the excessively cold summer to keep up the winter prices throughout the season.

Mr. ASQUITH: My attention has been called to the statement referred to, but I do not concur in it. I am not prepared to consider the reimposition of the duty, either at 2s. a ton, or at any other rate.

Mr. FELL: Does not the right hon. Gentleman concur in the statement that the abolition of the coal duty has tended to increase the price of coal?

Mr. ASQUITH: No, Sir.

Life Insurance.

Mr. BOWERMAN (Deptford): I beg to ask the President of the Board of Trade whether he is aware that some of the agents of certain insurance companies encourage working people to take out policies on the lives of others, and that, when the policies mature, the head offices refuse to pay on the ground that the holder of the policy had no assurable interest therein; and whether he will communicate with the insurance companies, pointing out the illegality of such policies, or take other steps to stop the practice.

The PARLIAMENTARY SECRETARY to the BOARD of TRADE (Mr. Kearley, Devonport): The Board of Trade have received no complaints on this subject, but if the hon. Member has any definite information that he can furnish they will be glad to consider it. At present they have nothing before them which would lead them to suppose that insurance companies are not fully aware of the illegality of issuing policies on lives in which the insurer has no insurable interest.

Mr. J. MACVEAGH (Down, S.): Will the Board undertake, if cases in point are sent in, that the Director of Public Prosecutions shall be instructed to move ?

Mr. KEARLEY : Yes, but I have said we have no evidence before us.

Mr. J. MACVEAGH : I have sent you dozens of cases.

Freights to Australia.

Mr. LEA (St. Pancras, E.) : I beg to ask the President of the Board of Trade if his attention has been drawn to Cd. 3639, the Report upon the conditions and prospects of British trade in Australia, wherein it is stated that something should be done to deal with the problem of freights and to put British and foreign importers to Australia on a more equal footing than is the case at present; whether he is aware that this inequality is to the great detriment of the British importer, and is caused by the shipping ring, who bolster up high freights by a system of rebates ; and whether he can give the House an assurance that, failing good effects arising from peaceful persuasion by his Department, he will introduce legislation to break up these shipping rings on similar lines to those adopted by the United States Executive against similar railway and trading combines in America.

Mr. KEARLEY : The whole question of shipping 'rings' and 'conferences' and the system of deferred rebates is being inquired into by a Royal Commission.

Australian Tariff.

Mr. ALDEN (Middlesex, Tottenham) : I beg to ask the President of the Board of Trade if he is aware that Mr. Carruthers, the Premier of New South Wales, speaking with reference to the new Australian tariff, described the preference to Great Britain as a sham; whether he has any information as to the possibility of alteration or reduction in the tariff; and whether, on behalf of Great Britain, he will make representations with this object of view.

Mr. KEARLEY : I have seen a statement in a newspaper to the effect mentioned. The Board of Trade have no information as to possible alterations in the tariff during its progress through the Commonwealth Legislature. My right hon. friend proposes to defer any question of representations until the complete tariff has been received and examined.

Industrial Security for Workmen.

Mr. J. WARD : I beg to ask the President of the Board of Trade whether he has taken into consideration the fact that railways, docks, canals, and other large public works are placed under his Department by the Notice of Accidents Act of 1894 for the purpose of inquiry into the causes of accidents occurring during their construction ; whether he has any intention to appoint inspectors to examine unguarded and dangerous machinery employed upon such works under the existing law, as in the case of factories and workshops, or whether it is the intention of his Department to seek new powers to enable it to give proper industrial security to this large body of workmen.

Mr. KEARLEY : The provisions of the Act do not include powers to appoint inspectors to examine the machinery employed on works to which the Act applies where no accident has occurred. The question as to further legislation on this matter should be addressed to the Home Secretary.

Joint Stock Companies and Local Government.

*Mr. REES : I beg to ask the President of the Local Government Board whether he proposes to take any action in the direction of giving to joint stock companies representation on the local bodies, to the rates of which they contribute.

The PRESIDENT of the LOCAL GOVERNMENT BOARD (Mr. John Burns, Battersea) : The matter could only be dealt with by legislation, and I am not able to promise to introduce a Bill on the subject.

*Mr. REES : Does the right hon. Gentleman defend the present position in this behalf ?

MR. BURNS: It is not for me to defend. Hitherto votes have only been given to sentient human beings.

Wales and the Secondary School Regulations.

MR. REES: I beg to ask the President of the Board of Education whether, under the new regulations for secondary schools for England and Wales, there will be a loss to Wales of £8,625 a year in grants as compared with England; whether, in consideration of the fact that the grant-earning period in Wales is restricted to four, while in England it may extend to eight years, the maximum grant which a Welsh pupil may earn is £17 15s. as against a maximum of £34 by a pupil in England; whether, in fact, under the new regulations, the grant for Welsh intermediate schools, assuming a prospective roll of 15,000 pupils, will be £20,625 less than it would have been had not Wales been put under a separate code; and whether, if such deficiency be established, it will be met out of local rates or by any special grant or subvention.

THE PRESIDENT OF THE BOARD OF EDUCATION (Mr. MCKENNA, Monmouthshire, N.): The Answer to every paragraph of the Question, except the second, is in the negative. With regard to the second paragraph, the implication of hardship arising from the divergency between the maximum grant payable in respect of a Welsh pupil and of an English pupil is due to the suppression, not by the hon. Member, but by those whom he quotes, of the material fact that these grants are not paid to the pupils, but are earned by the schools, and the total amount paid to the schools in respect of all pupils in Wales is the full share which Wales is entitled to receive in proportion to the grants paid to England. I have fully explained that matter both in Answers to Question and in the debate on the Appropriation Bill.

In reply to a further Question by Mr. REES,

MR. MCKENNA said the amount paid to a school in respect of some scholars might be more than in respect of others.

MR. REES: Is the right hon. Gentleman not aware that Wales would not be satisfied with any but the most-favoured-nation treatment?

[No Answer was returned.]

Garforth School.

MR. CARLILE (Hertfordshire, St. Albans): On behalf of the hon. Member for the Barkston Ash Division of Yorkshire, I beg to ask the President of the Board of Education whether, seeing that on 17th April, 1907, the Board of Education, at the suggestion of the local education authority, inquired whether the manager of the Garforth parochial school would agree to the reorganisation of the school, by which the scholars above standard two were to be transferred to the provided schools, and that the Board, after receiving the reply of the managers informed the local education authority on 3rd June, 1907, that the Board saw no adequate reason for requiring the reorganisation of the school in view of this opposition, but required certain improvements in the premises, which the managers have declared themselves ready to carry out, and that on 12th July, 1907, the Board of Education wrote reversing this decision, he will say whether the Board founds this interference with the functions of the managers upon Section 7, Subsection 3, of the Act of 1902, which section relates solely to questions regarding the maintenance of schools; and whether the Board has had regard to Section 12 of that Act, which requires the consent of managers to the grouping of schools.

MR. MCKENNA: No, Sir, one of the two schools being a provided and the other a voluntary school no question of grouping them under one body of managers could arise under Section 12 which deals only with grouping two or more schools of the same type. In the case referred to, the total number of children attending the voluntary school was in excess of that which could properly be accommodated in it, and thus some children had to be excluded. It therefore became necessary to settle which of the children, the older or the younger, could best be excluded. A question on this point arose between the managers and the local education authority, and in view of the nature of the alternative accommodation that was available elsewhere the Board of Education decided that it was better on educational grounds that the older children should be excluded rather than the younger, and therefore held that the reorganisation of the voluntary school from a mixed department and an infant department into a school with a junior mixed department and an infant department must take place.

MR. CARLILE: Is the right hon. Gentleman aware that there was an alteration made in the decision of the Board between 3rd June and 12th July? He has given no explanation as to that.

MR. McKENNA: I have not been asked for one.

MR. CARLILE: It is in the Question. Can the right hon. Gentleman explain why the Board absolutely reversed their decision between those dates, and as a result took steps to interfere with the manifest rights of the managers as to re-grouping?

MR. McKENNA: I must ask for notice.

MR. CARLILE: It is in the Question, and the right hon. Gentleman apparently declines to answer.

*MR. SPEAKER: The right hon. Gentleman has asked for notice.

*MR. CLOUGH (Yorkshire, W.R., Skipton): Is the right hon. Gentleman aware that the school is so overcrowded that there is less than nine feet space in the mixed department and eight feet in the infants' department, and that in addition the sanitary arrangements are very bad?

MR. SPEAKER: Notice should be given of that.

Low Valley School.

MR. CARLILE: On behalf of the hon. Member for the Barkston Ash Division of Yorkshire, I beg to ask the President of the Board of Education whether he will lay upon the Table of the House the recent correspondence between the managers of the Roman Catholic school at Low Valley, the local education authority, and the Board of Education.

MR. McKENNA: This correspondence has now proceeded for some years and I do not think any advantage would be gained by laying the whole or any part of it upon the Table of the House.

MR. BELLOC (Salford, S.): Are we to have no opportunity of seeing the correspondence and of knowing its nature?

MR. McKENNA: In the frequent debates in this House on the subject I have noticed that hon. Members who challenge my action have been fully apprised of all the circumstances.

MR. BELLOC: I have seen the documents on one side. Will the right hon. Gentleman show me the documents for his point of view?

MR. McKENNA: All the material documents in this case have been read or quoted sufficiently in the course of the various debates, and it would be most undesirable in the interests of economy to publish a correspondence of that kind.

MR. CARLILE: Is the plea of economy set up in order to provide salaries for the officials of the new Education Department?

MR. RAWLINSON (Cambridge University): Can hon. Members interested in this matter have a copy taken at their own expense?

MR. McKENNA: Yes.

MR. CARLILE: Then I give notice on behalf of my hon. friend that I shall ask to be allowed to have a copy at my own expense.

The Building Grant.

LORD R. CECIL (Marylebone, E.): I beg to ask the President of the Board of Education whether it is proposed to apply any part of the grant of £100,000 for the building of new public elementary schools towards the enlargement of existing schools, as stated in Paragraph 2 of the Regulations recently issued; and, if so, what is the authority for such use of the grant.

MR. McKENNA: Yes, Sir, in cases where under Subsection 2 of Section 8 of the Education Act, 1902, a proposed "enlargement" amounts "to the provision of a new school," a building grant would be payable in accordance with the conditions of the Regulations, under the same authority as other cases of building grants under those Regulations, viz., the Appropriation Act.

LORD R. CECIL: Has the right hon. Gentleman's attention been called to the wording of the Regulation which says quite generally that the grant may be paid in respect of the acquisition of the sites, or re-erection, or building, or enlargement of a school?

MR. McKENNA: That must be construed together with the Act of 1906, and confined to those cases in which enlargement amounted to the provision of a new school.

LORD BALCARRES (Lancashire, Chorley): Would it not apply in cases where there are alternative schools?

MR. McKENNA: The mere existence of alternative schools would not quite satisfy the case, as one school may be already full.

Periodical Measurement of School Children.

*SIR PHILIP MAGNUS (London University): I beg to ask the President of the Board of Education whether having regard to the fact that Clause 10 of the Education (Administrative Provisions) Act will enable local authorities to institute a system of periodical measurement of the children in attendance at public elementary schools, he will arrange, with a view to securing uniformity of method among local authorities desirous of availing themselves of the powers conferred by the Act, that instructions should be issued by the Board as to the best means of taking such measurements; and whether he will arrange that the data obtained should be duly tabulated at the offices of the medical bureau of the Board for information and reference.

MR. McKENNA: One of the duties to be undertaken by the Board of Education in connection with Clause 10 of the Bill referred to, when it has become an Act, will be the careful collating, tabulating, summarising, and publishing of the most important results obtained from the medical inspection carried out by local authorities in the public elementary schools in their respective areas. I am considering in what way this duty may most effectively be carried out, but I think it would be highly inadvisable to make any decision in regard to it until I have had the advantage of the medical advice which it will be necessary for the Board to become possessed of, when the Bill has become law.

*SIR PHILIP MAGNUS: Having regard to the newness of the departure and the importance of the issues arising out of the medical inspection of children, will the House have an opportunity of considering the instructions to be given to the medical bureau?

MR. McKENNA: No, Sir; before any instructions are issued by the Board they must receive the advice of the medical officer who will be appointed, and until I have heard his advice I cannot say what the subsequent steps will be.

Merionethshire Schools Dispute.

LORD BALCARRES: I beg to ask the President of the Board of Education if he has received official notification that the managers of any non-provided schools in Merionethshire, and, if so, which, have paid to the teachers in those schools the salaries earned by them up to the 30th June last; whether the managers of these schools have applied to the Board for repayment; and what action is being taken by the Board.

MR. McKENNA: The managers of four voluntary schools, the names of which I will send to the noble Lord, have informed the Board that they have paid the teachers' salaries and have applied for repayment. The Board have asked the local authority whether the salaries have been correctly stated in the claims.

LORD R. CECIL: Are we to understand that in the event of the local authority replying that that is so, the Board of Education will pay the salaries?

MR. McKENNA: I will then consider whether it is expedient.

LORD R. CECIL: How long is the consideration likely to last?

MR. MCKENNA: I think I shall probably come to a conclusion very quickly.

MR. LYTTELTON (St. George's, Hanover Square): Has the right hon. Gentleman not decided yet that it is expedient that managers should be paid the salaries when due?

MR. MCKENNA: If the right hon. Gentleman will apply his mind to reading the clause he will find it enacts that the Board of Education may pay the salaries if they think it expedient. Therefore, I am bound to consider the expediency in each case as it arises.

Constitution Hill.

MR. BOWLES (Lambeth, Norwood): I beg to ask the First Commissioner of Works whether any change is proposed in the present condition of Constitution Hill by way of widening or otherwise; if so, what that change is; upon what considerations of advice it has been suggested; and when it is proposed to be carried out.

THE FIRST COMMISSIONER OF WORKS (Mr. HARCOURT, Lancashire, Rossendale): The present road on Constitution Hill is being widened according to the plan exhibited in the tea room of the House. This widening is part of the policy of providing for the traffic which is anticipated when the opening of the Mall into Charing Cross is completed. The work is now in hand and the money required was voted by the House early in the year.

*MR. REES: Will any of the Green Park be taken away?

MR. HARCOURT: The railings will be moved back slightly in order to widen the road.

MR. LONSDALE: What paving will be used?

MR. HARCOURT: Wood paving throughout.

Retired Pay Commutation Fees.

MR. LONSDALE: I beg to ask the Secretary to the Treasury what was the amount received as fees for the commutation of retired pay during the last financial year; what rate of interest does this represent on the capital sum allowed; why is this charge made; and to what purpose is the amount so received applied.

MR. RUNCIMAN: The amount of fees received in respect of the commutation of Army retired pay during the financial year ended 31st March, 1907, was £347 6s. 10d. This represents about 3 per cent. on the capital sum allowed. The charge is made to meet the cost of the service rendered to the applicants. The money is appropriated in aid of the Vote for the National Debt Office.

Register House, Edinburgh—Clerks' Gratuities.

MR. A. DEWAR (Edinburgh, S.): I beg to ask the Secretary to the Treasury whether he is aware that by minute, dated 14th September, 1893, the Board of Treasury sanctioned gratuities to engrossing clerks in the Register House, Edinburgh, calculated at the rate of £120 a year, or on the average earnings of three years immediately preceding retirement; that this minute was communicated to the clerks, and has formed the basis of their employment to this date; and that gratuities to all clerks retiring between 1893 and May, 1906, were calculated and paid on the basis of £120 or the average earnings, whichever were greater; whether he is also aware that Mr. Alexander Fisher retired in May, 1906, after thirty-two years' service, and with a certificate from the head of his department that he had been a most exemplary clerk, and had kept up during his long period of service the best standard of character, and that his gratuity was calculated at the rate of the average of three years' earnings, although, owing to infirmity, he was unable to earn £120 in any one year; and whether there was any reason for departing from the terms of the minute and the established practice since 1893 in Mr. Fisher's case.

MR. RUNCIMAN: The Treasury have no power to award gratuities calculated on an amount in excess of the average earnings of the engrossing clerks during the last three years of their service. The sum of £120 was named in the minute of September, 1893, as representing the average earnings of an engrossing clerk during a daily attendance of seven hours; but if this minimum is not reached the gratuity can only be calculated on the average actually earned.

Limerick Competitions.

MR. BYLES: I beg to ask Mr. Attorney-General whether his attention has been directed to the Limerick competitions which are going on in so many journals; whether these competitions are substantially the same as the missing word competitions, which were found to be illegal; whether he is aware that these competitions are encouraging the spirit of gambling among great masses of the people; and whether he proposes to take any steps to test the legality of these competitions.

*THE ATTORNEY-GENERAL (Sir JOHN WALTON, Leeds, S.): This question has been considered both by the Director of Public Prosecutions and the Chief Commissioner of Police, and I understand that they have come to this conclusion, that the practice does not fall within the law for the suppression of lotteries, inasmuch as a "Limerick" involves the exercise of some skill in the art of completing a rhyming verse or couplet. In this respect they differ from "missing word" competitions which involved the mere element of chance. I think the subject is one which needs fuller consideration, and I will take care that it receives it.

MR. BYLES: Does the right hon. Gentleman realise the magnitude of this evil; and does he know that during last week one newspaper alone divided £2,200, which works out at over 80,000 coupons at 6d. each; and is there not the best reason to believe that only a very small fraction of these coupons are examined? In this case, will the right hon. Gentleman say whether it is not right to defend innocent readers?

SIR JOHN WALTON: That is an entirely different question. Whether the competitions are properly administered or not may be a matter for inquiry. I have had representations made to me by several journalists that their readers greatly enjoy these competitions as an exercise of skill, and that they would be deprived of what they regard as a recreation if these competitions were suppressed. As to the suggestion that there is some fraud, if the hon. Gentleman will bring before me some facts they will be examined. If what the hon. Gentleman says is right, a case for investigation does arise.

MR. BOTTOMLEY (Hackney, S.): Does it not require as great skill to "spot" the winner of a horse race as to compose doggerel rhyme?

[No Answer was returned.]

Glasgow Distress Committee.

MR. BARNES (Glasgow, Blackfriars): I beg to ask the President of the Local Government Board if his attention has been directed to the surcharging of the Glasgow Distress Committee with the amount of compensation for injuries sustained by workmen employed by the body in question; and, if so, will he explain why this surcharge has been made, having regard to the fact that other Distress Committees have paid compensation or insured workmen employed by them.

THE SECRETARY FOR SCOTLAND (Mr. SINCLAIR, Forfarshire): I may inform my hon. friend that it is not the case that the Glasgow Distress Committee has been surcharged with the amount of compensation for injuries sustained by workmen employed by them. The auditor, however, has made an interim Report on the payments in question, which is at present under the consideration of the Local Government Board for Scotland.

Scottish Emigrants to Canada.

MR. CLELAND (Glasgow, Bridgeton): I beg to ask the Lord Advocate whether his attention has been directed to the fact that complaints have been made by many Scottish emigrants to Canada that the promises of employment and wages upon which they were induced to emigrate have not been fulfilled; and whether he proposes to take any steps, by prosecution or otherwise, to put a stop to these fraudulent practices on the part of emigration agencies in Scotland.

THE LORD ADVOCATE (Mr. THOMAS SHAW, Hawick Burghs): Complaints of the nature indicated by my hon. friend have recently been brought to my notice and they are being made the subject of careful investigation. The results, so far, are not such as to justify proceedings.

I think it right, however, to say publicly that there can be little doubt that the practice alleged, viz., of inducing emigration by fraudulent pretences would, if established, bring the offenders within the criminal law and make them liable to severe penalties under the Merchant Shipping Act of 1906.

SIR GILBERT PARKER was understood to ask if there was not plenty of employment at standard rates of wages for desirable men in England and Scotland.

MR. THOMAS SHAW said he could say nothing as to that.

Guerin Case.

MR. BOTTOMLEY: I beg to ask the Secretary of State for the Home Department, whether the man Smith, recently sentenced by Mr. Justice Darling to penal servitude for life for the attempted murder of one Guerin, is identical with the person who, in May last, pleaded guilty before Mr. Wallace, K.C., to burglary, and who was then discharged upon his own recognisances in consequence of a written communication handed by him to Mr. Wallace; and, if so, whether the nature of such communication has been disclosed to the Home Office.

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. GLADSTONE, Leeds, W.): The Answer to the first paragraph of the Question is in the affirmative. I am informed by Mr. Wallace that there was nothing special in the written communication handed to him by the prisoner, but that it was of the same character as the appeals made by almost all prisoners.

MR. BOTTOMLEY: Will the right hon. Gentleman consider the desirability of requesting Chairmen of Sessions and Judges of Assize to forward to the Home Office after sentence any unpublished documents which may have had importance attached to them with regard to the sentence?

MR. GLADSTONE: I have no power to do that.

Dublin Corporation Surcharges.

MR. LONSDALE: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that the auditor of the Local Government Board has surcharged members of the Dublin Corporation in respect of irregularities in the accounts; whether he can state the amount surcharged; and what steps will be taken to enforce payment.

THE CHIEF SECRETARY FOR IRELAND (Mr. BIRRELL, Bristol, N.): The auditor has made several surcharges in respect of the accounts of the Corporation of Dublin. The total amount surcharged is £4,322. Under the provisions of the statute it is the duty of the auditor to take steps for the recovery of the amounts surcharged if no appeal is lodged within the statutory period.

MR. CLANCY (Dublin County, N.): Is it not the fact that most of the surcharges—especially one equal in amount to all the rest—have been made on purely technical grounds?

MR. BIRRELL: I do not know.

Parliamentary Bill Procedure.

MR. HENRY (Shropshire, Wellington): I beg to ask the Prime Minister whether, in order to economise the time and spare the efforts of this House, he will consider the desirability of deferring the Committee and subsequent stages of Bills that have passed their Second Reading in this House until such measures have received a Second Reading in the House of Lords.

THE PRIME MINISTER AND FIRST LORD OF THE TREASURY (Sir H. CAMPBELL-BANNERMAN, Stirling Burghs): This would be a great revolution in our proceedings, as it would involve dovetailing the proceedings of the two Houses. I see the point which my hon. friend makes, but I am not equal to the task of putting it into effect.

SHERIFF COURTS (SCOTLAND) BILL.

Reported, with Amendments, from the Standing Committee on Scottish Bills.

Report to lie upon the Table, and to be printed [No. 319.]

Minutes of the Proceedings of the Standing Committee to be printed. [No. 319.]

Bill, as amended (by the Standing Committee) to be taken into consideration To-morrow, and to be printed. [Bill 329.]

TRANSVAAL LOAN (GUARANTEE) BILL.

Order for Second Reading read.

THE UNDER-SECRETARY OF STATE FOR THE COLONIES (Mr. CHURCHILL, Manchester, N.W.): Several serious questions are raised by this Motion. The responsibilities of the Mother Country towards her Colonies are already generously discharged; and the financial obligations of the State seem now rather to require scrutiny and definition than extension. The amount of the loan is not inconsiderable. The depreciation of shares in South Africa, though partial, and as I hope, temporary, has doubtless had its effect upon the money market, which can scarcely have been more forbidding than at the present time. The House is bound to examine the purposes for which the loan is required, to test the security on which it stands and to call for precedents to authorise, and for reasons to justify, the policy of affording a guarantee to a self-governing colony, and to this one in particular. There is no need to exaggerate the effect of this loan on the national credit A great many worthy people are prone to attribute all the evils that come under their observation to any particular cause or effect to which from time to time they may have expressed their dislike. I notice this is particularly true of persons engaged in financial operations not wholly devoid of a speculative character. We are informed that the decline in high-class securities which now is unhappily general from America to Germany, and from Great Britain to Japan, is largely if not entirely due to the revolutionary proposals of the Scottish Land Bill, and that, of course, there can be no revival or recovery in British credit while the pernicious and evil shadow of the Transvaal Loan hangs over the money market. To such lugubrious and pernicious absurdities we ought to apply the corrective of a wholesome proportion. The year 1906 was a year of adverse circumstances so far as the money market was concerned. The amount of new capital created in the United Kingdom exceeded 100 millions sterling and the amount of actual cash subscribed exceeded £80,000,000 sterling. It is quite true that an ill-timed issue, even of so comparatively small a sum as £5,000,000, might exercise, at the present time, a disturbing effect upon the market; an effect out of all proportion to the sum involved, but the Government have taken great care in framing this Bill to prevent any such contingency arising by an arrangement in the measure which enables small temporary advances to be made from time to time, pending satisfactory market conditions for the flotation of the whole of the loan. I venture to submit to the House that it is very easy to over-estimate, if these precautions are properly observed, the effects upon British credit of such an issue as will be sanctioned by this Bill. At the beginning of this year the Crown Agents of the Colonies were able to float a loan equal in amount to this one without causing even a ripple upon the political and financial waters which are now a great deal troubled. That is one consideration to be borne in mind: the proportion of this loan to the operations of the British money market. Then there is another. I observe notices down upon the Paper for the rejection of this Bill. No doubt it is very convenient for right hon. Gentlemen to come forward as the champions of public thrift and warn us against the disadvantages of engaging British treasure in South African enterprise; but when we look back upon the past we can find occasions when vast sums of national treasure were expended in South Africa on enterprises, to put it mildly, which were far less beneficial than those contemplated by this Bill. I do not speak of the war, which was necessary to secure British territory from invasion, nor do I speak of the expenses necessary to procure the acquiescence of the Boer people in the annexation of their country. I confine myself entirely to the expenditure which took place after the Middleburg negotiations, in which the Boer leaders and generals were willing to come in upon the basis of the annexation of the republics. For seventeen months after peace could have been obtained on perfectly satisfactory and honourable terms the war was protracted at the enormous cost of £78,000,000 of war expenditure, to say nothing of the £29,000,000 which immediately followed the cessation of operations, simply and solely in the hope of being able to say that an unconditional surrender had been extorted from the Boers. I do not wish unduly to dwell upon controversial matters, but I would ask those who pose as severe economists to bear in mind the standard to which their observations might be referred when they warn us against the disadvantages of engaging British treasure in South African projects. Whatever view may be taken of the consequences of this loan to the money market and British credit generally, whether that view be high or low, it does not rest with us to determine whether the Transvaal are to issue the loan or not. When General Botha came over here he did not ask whether the Transvaal Government might be allowed to issue the loan, but informed us that it was their intention to do so, and simply asked us to afford them the guarantee in order that they might obtain the money on the best possible terms. Our decision, important though it was, was a closely circumscribed decision. Every self-governing colony enjoys and exercises the right to borrow, when and where and upon what terms it thinks fit and its credit allows. By the easily satisfied requirements of the Act of 1900 such borrowing by any responsible self-governing colony automatically obtains admission upon the list of British trust securities. Whether the Act of 1900, for which right hon. Gentlemen opposite were responsible, was not altogether too widespread and sweeping in its terms, and whether, that being so, the consequences have not resulted to the detriment of British gilt-edged securities, are questions I do not wish to enter into. I am content with the plain solid fact, and I submit it to the House as the first salient proposition in the argument I will endeavour to apply: that our decision in this matter was limited to giving a British guarantee, and that the Transvaal Government if they wish to do so can place their loan upon the market without any reference to the British Government; so that the evil effects upon the national credit, whether real or imaginary, and all the strain upon the money market caused by the restriction of capital, would have resulted no matter what action we might take. Indeed, these effects might have been aggravated if the Transvaal Government had been left to its own resources. What could have been more injurious to British credit and more disturbing to money market operations than anything in the nature of a struggle between the Transvaal Government endeavouring to obtain its money on very high and unsatisfactory terms, and certain powerful and hostile financial influences endeavouring to prevent them from getting it? I ask the House to recognise the two general principles which are before us. The first is the modest proportion of this loan in reference to the scale of operations of the British money market; and the second, the closely defined and restricted limits in which our decision to record the guarantee is operative. The House will require precedents to justify the giving of the loan to a self-governing colony. Such precedents are numerous, ample, respectable and exact. I will recite to the House six of them which justify this loan. In 1857 a loan was granted to New Zealand of £500,000, described as for the payment of debts and for the purchase of native land. On the 3rd of May, in 1866, another loan was guaranteed to the New Zealand Government of £500,000 for the New Zealand War, for immigration and for other purposes. In 1870 a further loan of £1,000,000 was guaranteed to New Zealand for the construction of roads, bridges, and other communications, and for the introduction of settlers. This was challenged in the House of Lords, and defended by Lord Granville, who said it was a wholly exceptional case, and tended to afford employment and useful work for the natives who had been friendly during the war. In 1867 a loan was guaranteed for Canada of £3,000,000 for the construction of a railway connecting Quebec and Halifax, and in 1869 a loan of £300,000 at 4 per cent. interest was guaranteed to the Canadian Government for the purchase of Rupert's Land from the Hudson Bay Company. Mr. Gladstone, in the debate on that loan, condemned the practice of giving loans to self-governing Colonies. They should not be given, he said, for any merely local or temporary object, and could only be justified on the broad grounds of

Imperial policy. In 1873, a third loan to Canada empowered the Treasury to guarantee £3,600,000 as regards both principal and interest for the construction of the Pacific Railway, and for the improvement and construction of the Canadian Canal. It was attacked in the House of Commons because it was said that this particular guarantee was a bribe in regard to the Washington Treaty. The House will notice that this last loan resulted in greater benefit to Canada than the expenditure of almost any similar sum by the Dominion. These loans have nearly always been given by the Imperial Government in cases where there has been disturbance caused by war or as a concomitant of some constitutional settlement which the Mother Country approved and desired to make permanent. In some of these cases one of these conditions has been present, and in others both; but in none of them were both the conditions present in such a strong and overwhelming degree as they are in the case of the Transvaal Loan Bill. If I were to speak further of the numerous precedents, all of which justify the measure now before the House, I should refer to the guarantee of £35,000,000 given by the then Prime Minister and the right hon. Gentleman the Member for West Birmingham, to enable the Transvaal and the Orange River Colony to recover from the consequences of the war. Of course, I know I shall be told that they were Crown Colonies then. Yes, Sir, but in view of the fact that self-government had been promised, and its advent was admittedly only a matter of a few years, in view also of the fact that the right hon. Gentleman the Member for West Birmingham said that they were only technically Crown Colonies, and he intended to treat them as self-governing Colonies, and in view also of the fact that the services of this loan of £35,000,000 will have to be discharged during the larger portion of its currency by a local responsible, self-governing Parliament. I think the distinction is, after all, only a distinction in form, though a great deal might be made out of it for controversial purposes. The main fact stands out solidly that these right hon. Gentlemen guaranteed to the Transvaal and the Orange River Colony a loan of £35,000,000 to enable them to recover from the devastation of a terrible war, and to enable them to revive their agriculture, re-house their people, and construct and acquire their railways and public works, relying for repayment upon the good sense and integrity of the community, and that we to-day now propose to guarantee a further loan of £5,000,000 in the same confidence for the same objects exactly. When the resolution of the various bodies in Johannesburg was passed, asking for a guarantee of that loan, the amount specified was actually the amount of the £35,000,000, plus this £5,000,000, viz., £40,000,000. That was their estimate of the credit needs of their country. So much is this loan which we put forward to-day a continuation of the policy of that £35,000,000, so much is it the indisputable lineal successor of that loan, that some of the purposes for which this £5,000,000 is to be allocated are not merely similar, but actually identical with the purposes set out in the schedule of the Loan Bill passed by this House in 1903. Let us look at its objects. I would desire to justify them to the House in their general aspects only, because although the full account of the heads and sub-heads upon which the expenditure is to be met by loan capital is substantially correct, and has been tendered to us in the strictest *bona fides* by the Transvaal Government, the loan will not be wanted all at once, but will be raised from time to time. It is possible that some transferences and re-allocations between the different sub-heads will be necessary. In general, the allocation to which the Transvaal Government are precisely bound is the allocation of the schedule which divides the loan into two parts. Let us look at these two parts. First of all there is the Land Bank, for which £2,500,000 is to be provided. Although there is a steady consolidation of agricultural well-being, not only in the Transvaal and Orange River Colony, but throughout the whole of South Africa, the ravages of the war are far from being effaced in the two Colonies. When Lord Selborne toured through some of the more outlying portions of the Transvaal, he was much concerned at the very severe privations which once prosperous farmers, who had in many cases been possessed of valuable landed property, were suffering under. Some were found living in lean-to shelters against the walls of their ruined farms, and in some of the districts in the low veldt, I am credibly informed, almost the only food which some of the white population have to eat are the mealies which form the staple diet of the Kaffirs. The Land Bank is one of the means by which the agricultural position will be improved and assisted. When ordinary commercial banks lend money on mortgage they charge at a high rate of interest in South Africa, and reserve the right of fore-closure within three months. The effect of this Land Bank is two-fold. It accords to the farmers who possess good security and valuable property, reasonable rates for any money borrowed, and these farmers are assured that there will not be any sudden fore-closure, but the principal will be lent for a regular number of years, during which they will be able to make it fructify and pay. The idea of this Land Bank emanated from Lord Selborne, who appointed a Committee to inquire into the matter. That Committee reported very strongly in favour of the scheme and recommended that £5,000,000, not £2,500,000 should be devoted to the purpose. The Committee made many elaborate and detailed recommendations for the working of this scheme, so as to safeguard the interests of the State against those who would avail themselves of the advantages of it, and their recommendations have been embodied in the Bill of the Transvaal Government. The measure has been drawn up with the greatest elaboration by the Transvaal Government and it contains no fewer than sixty-five sections. No advance can be made upon the security of freehold or quit rent land which exceeds two-thirds of the fair agricultural or pastoral land value. No advance also, can be made upon any lease held for less than ninety-nine years. The bank is given full power of mortgage over all land upon which money is to be advanced, and the interest on the loan is to be at 5 per cent. so that the House will see that the sum will not only defray interest upon the capital involved, but will also provide an additional sum for the sinking fund and for the management of the Land Bank. I trust the House will consider this a worthy and suitable purpose. Everyone knows, after all, that the day will come when the gold mines in South Africa will be exhausted. Many of us think that it is an essential function of the gold mines to set on foot and establish other industries which in the near future will become more and more supplementary to it, and which will replace the gold industry when it has passed away. That is recognised on both sides of the House as being an important object, and I am quite sure it will be for the good of the Transvaal as a whole if the magnificence and splendour to which the great wealth of the gold mines gives rise stand upon the secure foundation of a healthy rural life, and the widespread standard of comfort and wellbeing of those who do not participate in the exciting and hectic industry of the pursuit of gold.

The second part of the schedule is more varied, and contains several sub-heads, all of which deserve the attention of the House. The House will remember what the Inter-colonial Council was. It was a joint board established by Lord Milner to deal with the common affairs of the two Colonies. It derives its revenue from the whole of the railway returns; on the other hand the Inter-colonial Council has to defray the charge on the existing debt, the whole cost of the constabulary, and has to administer the whole guarantee loan programme of railway construction and other public works. If any deficiency arises in the Council's budget it is made up as to seven-ninths by the Transvaal and as to two-ninths by the Orange River Colony. After the treaty of Vereeniging, the Army transport waggons and stores which were in the hands of the military authorities were taken over by Lord Milner at a valuation of £2,000,000 and sold on credit to the Boers to enable them to start their farms again. This is called a repatriation debt. Farmers always complained of the prices at which these stores were sold. It is recognised on all hands that it was a period of unusual and abnormal prices. They were in desperate straits and they had no choice but to accept. They had always asked that the repayment of this debt should be postponed and that the charge with which they are saddled should be re-valued. The Crown Colony Government has already re-valued, I should remind the House, the land, stock, and implements, which were acquired by the British settlers, on this express ground of the abnormal prices; and in the same way the £258,000 which were advanced to civil servants to enable them to build houses for themselves has also been reduced on the petition of those gentlemen because of the very high prices for labour and material which prevailed in the country at the time they were call upon to build houses. It was long foreseen that a similar process of revaluing and reduction would have to be applied to the repatriation debt. The first instalment of £1,000,000 of the repatriation debt was due this year. If the Crown Colony Government had remained in power, whether under this Government or that of the right hon. Gentleman opposite, I am sure I am right in saying that no attempt would have been made to collect these debts harshly, because nothing would have been more likely to cause devastation and disaster in the country districts. It has long been recognised that substantial reductions and abatements, and an extension of time, would have to be allowed on this head. That produced a very serious consequence. When the new Government came in they, of course, held those views more strongly even than their predecessors, and one of their first acts was to grant a postponement in the payment of those debts until next year. Meanwhile they were intending to examine the whole question, but the money obtainable from the repatriation debts which had already been created by the Inter-colonial Council was part of the assets which the Inter-colonial Council had counted on to develop its railway and public works programme. Consequently when the postponement was agreed upon the Inter-colonial Council became insolvent. It was nearly £700,000 short of the debt for the definite undertakings to which it was committed, and it could not finance any longer its railway policy or the other obligations which it had contracted. The new Transvaal Government proposed to take over the repatriation debts for what they were worth, to collect them at their leisure and discretion and to meet the liabilities of the Inter-colonial Council from the proceeds of the new loan. Among its liabilities is an item of £85,000 for land settlement—that is to say, the settlement of British settlers who had been planted in the Transvaal. The House will realise that this sum of £85,000 is absolutely necessary for the Land Board which has been set up if it is to continue in existence. The House will remember that the Land Board administers the whole assets of the land settlement, amounting to £1,300,000 which has been advanced to 700 settlers who had been planted on the soil in order to secure to those settlers sympathetic administration, and in order, to use a phrase which has already been employed, to place a screen between the mortgagor and the mortgagee. The whole of the administration of land settlement was vested for a period of five years in a nominated Board independent of the Colonial Government. General Botha's Government was not attracted by this arrangement. They thought it was a waste of money. They thought it was a derogation from complete self-governing powers, and they were inclined, I think quite mistakenly, to regard it as an imputation on their fair dealing towards their fellow-subjects in the Transvaal. We were far from denying the force of some of their objections to the Land Board, but in order to allay the anxiety which I think was then quite genuine on that side of the House, and in the hope of carrying the right hon. Gentleman with us as far as possible in what we desired to make a national rather than a Party settlement in South Africa, we inserted in the Letters Patent provisions which enabled the whole question of land settlement to be handed over to a separate and outside Board. The insolvency of the Inter-colonial Council, however, placed that arrangement at the mercy of the Transvaal Government. Nothing would have been easier, if they wished to starve out the Land Board which had been created against their wishes, than for them to have delayed or resisted the financing of the Inter-colonial Council, but with complete self-restraint and strict observance of all the engagements into which they have entered as part of a great constitutional settlement, which they have accepted, they have come forward and without making any difficulty undertaken to finance the Inter-colonial Council in respect of land settlement from the proceeds of this loan, and in the meanwhile, pending the loan being raised, to supply them with money from month to month in order that the Board may be set up and continued. The right hon. Gentleman is going into the lobby this evening to vote against the granting of this guarantee, and if he were to succeed in his purpose—and no one ought to give a vote unless he takes the responsibility for the consequences that will follow on its success—if he were to succeed in this purpose, the first of the incidental consequences of his action would be that the whole of this money which would be available for the Land Board would be absolutely deflected, the Board would rapidly become bankrupt and break down, and all those elaborate arrangements which we were told by hon. Gentlemen opposite were so vital for the independence and the well-being of British settlers in the country would come to an end. I am anxious that the House should consider the reproductive character of the expenditure under the new loan. The sum of £600,000 represents definite commitments of the Inter-colonial Council for expenditure on railways, public works, and land settlement. I could give the House the sub-heads, but I am sure they will not wish me to state them in detail. The sum of £1,050,000 represents additional railway construction which is to be undertaken. The Delagoa Bay Railway represents £600,000, and some other railway projects and improvements. £200,000 represents the Klerksdorp Line, and £250,000 is set down for the Belfast and Lydenburg Railway which was projected by the old Government. It was agreed to by the late Government of this country. The sum of £100,000 represents expenditure on public buildings, and that is not wholly unreproductive, because the Transvaal is at present paying £48,000 in rent for buildings which they occupy. Irrigation is represented by a sum of £400,000, and the possible results of that expenditure we have seen proved by the highly remunerative results in Egypt. £300,000 represents agricultural development and land settlement, and £2,500,000 represents the capital value of land which, as it will let at a higher rate than that of the interest at which the money is borrowed in the market, will constitute no further charge on the Colony.

It may be said that these objects no doubt are very reasonable in themselves, but what is the security we shall have for the loan? The security for the loan will be the whole of the revenue and the assets of the Transvaal —all the State may draw from the gold mines which last year, under the blighting hand of a Radical Government at home, yielded the respectable total of £25,000,000 sterling, or something like 125 times the sum necessary to defray the service of the new debt; all the resources which the Transvaal may derive from diamond mines, which produced £600,000 in 1905-6, and which are an entirely new feature of Transvaal economy. Of that sum the Government share amounts to not less than £360,000, and is estimated this year to aggregate something like £400,000. The debt will be secured further on anything which the Government may draw from the valuable deposits of coal and iron with which the country is studded, and, of course, on the whole of the railways, upwards of 2,500 miles long, which are owned, manned, and controlled by the State. The existing debt of the Transvaal, excluding the £800,000 to which I have already referred, is £35,000,000, of which the Orange River Colony is charged with a certain proportion. What that proportion is I cannot say authoritatively. For the purpose of this discussion, though in no wise prejudicing any decision that may be afterwards arrived at on the merits of the whole question, I will take nine millions as being the proportion of the loan which appertains to the Orange River Colony, that is to say, that the special debt of the Transvaal is £26,000,000, to which there will be added £5,000,000 for the new debt, so that it will be £31,000,000 altogether, or £24 7s. per head of the population of the country, taking black and white together. It would be a great mistake to compare this debt with, for instance, our own National Debt because our National Debt in the United Kingdom represents one thing, and one thing only. It represents gunpowder—a commodity which, although it may give some satisfaction at the moment of discharge, rarely leaves behind it any wealth-producing apparatus. But the Transvaal debt can more fittingly be compared with the debts of our great Colonies, where an enormous proportion is represented by very valuable State assets in the shape of public works, railways, and other things of definite revenue-producing character. If we take the Transvaal debt as it will stand when the £5,000,000 loan has been added to it, it will be seen that upwards of £20,000,000 is reproductive expenditure, leaving £10,624,000 of what I call deadweight debt, or per head of the population, black and white together, £8 1s. 8d. If whites only are considered, the deadweight debt will be £35 7s. 8d. per head. I submit to the House that with its unique assets and possessions that is not an undue burden for the Transvaal to bear. I submit to the House that there will be no difficulty whatever in meeting the interest and the sinking fund charges on the debt. I say that for the purpose of establishing security. The interest charges on this debt are, of course, placed on the revenue of the Transvaal, and they rank next to the £35,000,000 debt. But as this £35,000,000 is maintained by the Intercolonial Council out of railway revenue, upon which it is the first charge by Order in Council, it is not unfair to say that this new £5,000,000 should constitute a first charge on the revenue of the Transvaal outside railway revenues. This revenue, outside railway revenue, is nearly £4,500,000 in the present year. A full statement of the Transvaal Budget has been laid before the House in Papers recently presented. In 1907–8 the revenue of the Transvaal is estimated at £4,469,000, and the expenditure at £4,520,000, or a deficit estimated at £51,000. It will be observed, first of all, that the estimates of revenue have been framed on the most conservative basis, and that the estimate of expenditure contains items of extraordinary expenditure not included in the Budget of previous years. That is without taking into account any reduction in the establishment which may be effected. There are two facts more important than these, which have to be mentioned. First of all, it has to be borne in mind that the Transvaal has a credit balance of £957,000, out of which it is proposed to draw £67,000 this year, for the purpose of meeting extraordinary expenditure; and in the second place, retrenchments are being enforced throughout the Civil Service in the Transvaal. I should like to say a word on this latter subject. There is no need to criticise the scale on which Lord Milner initiated the Transvaal Civil Service. It was natural and desirable that those who were responsible in any measure for the war should have wished as quickly as possible to repair its injuries and wounds. I quite understand that after the great strain of the war, that wish was father to the thought that a good time would come. Lord Selborne has published a despatch in which he expressed appreciation of the work of the Transvaal Civil Servants. I am bound to say that since I have known more of the Government of the Transvaal, I believe that that appreciation has been thoroughly deserved. But when all these considerations have been stated, no one can doubt that the Transvaal establishment was vastly in excess of what is needed for carrying on the work of government, and considerably in excess of the resources and the state of development of the country. Before the change of Government occurred, a Commission was appointed to consider what retrenchments could be made in the Civil Service, and it is on the recommendations of that Commission that the Transvaal Government are now proceeding. More than that, Lord Milner engaged Mr. Marris, a man of great distinction in India, and thoroughly acquainted with all the machinery of goverment; and Mr. Marris came to the Transvaal to carry out the recommendations of the Commission. Mr. Marris has been retained by General Botha, and it is by his guidance and instrumentality that the retrenchments are being carried out. I have no doubt that these will involve hardships, but the Government will of course do what they can, without committing themselves, to relieve these cases of hardships from time to time, so far as it is allowable, through the Colonial Office. Well, there will be considerable saving—how much I cannot say—from these retrenchments. But there is a second item on which money will be saved in the current year as well as in future years. I mean by the reduction of constabulary, which is a direct result of the grant of self-government. It is quite evident that police arrangements which are necessary to hold a country down by force of arms and to maintain a non-representative Government in arbitrary authority are wholly different in character and extent from those which are required merely to preserve law and order among a people who are consenting parties to the form of government under which they live. A similar reduction is no doubt to be anticipated in the Orange River Colony. At present the constabulary in the two Colonies numbers 3,000 men, and the cost is £266 per annum per man, that is to say the charge on the two Colonies is £798,500 a year. The constabulary in the Transvaal numbers 2,000 men, and it is proposed to reduce them by 1,100, leaving 900 men who are to be re-organised with the existing Transvaal Police. They will be quite sufficient for the maintenance of internal security and peace. The saving which will result, will amount to £250,000 a year, or considerably more than is needed for the whole of the interest and sinking fund of the extra debt of £5,000,000 we are now proposing. I think there can be no doubt whatever of the ability of the Transvaal to pay the interest of this new debt.

Now, from whom has the opposition to this new loan, both at home and in South Africa come? Who are those who are now going about saying that this loan will crush the Transvaal? They are the very people who were prepared to impose upon a nominated Government, without the consent of the taxpayers of that country, the obligation of a loan, not of £5,000,000, but of £30,000,000, which was not to fructify in the Colony itself, and become reproductive there, but which was to be sent across the seas and paid into the British Treasury. The right hon. Gentleman the Member for West Birmingham told us that he could

> "entertain and recommend to the House of Commons a sanguine expectation of the ability of the ability of the Taansvaal to meet the liabilities involved."

These liabilities are £35,000,000 Loan, and the additional payment of £30,000,000 to the British Exchequer. And the right hon. Gentleman the Member for West Birmingham laid on the Table of the House of Commons in 1903 a table, in which he precisely stated the amount he would recover from the Transvaal—

> "In the year 1903-4, the first instalment of the £30,000,000 Transvaal War Contribution Loan is to be raised, involving a charge at (say) 4 per cent. of £400,000, and reducing the surplus from £900,000 to £500,000. In 1904-5, a second instalment will be raised, reducing the surplus to £100,000. In 1905-6, the third instalment will be raised involving a deficit of £300,000, if there is no increase of revenue. But Lord Milner estimates an increase in the three years of £600,000 in general revenue, which would leave a surplus of £300,000, after paying the inserest on both loans."

But that is not all. The very commercial and mining houses in the Transvaal, who have to some extent shown opposition to the present loan, not only signed a guarantee for the repayment of the first £10,000,000 of the £30,000,000, but they were quite prepared to impose on the Colony a total burden of £65,000,000, or according to their calculation, of £70,000,000. The right hon. Gentleman who was Secretary of State for the Colonies a little while ago made efforts to obtain the first £10,000,000 of the £30,000,000 loan. He will, no doubt, now say that it might have been quite possible to have got all this money back if he had been allowed to have his way about his beautiful Chinese. But when the right hon. Gentleman the Member for West Birmingham submitted his statement to the House of Commons, there was no mention of Chinese; there was nothing like a bargain that the mine-owners were to have Chinese if they became guarantors for the issues of the first £10,000,000 of the loan. I have always understood that it would have been very improper if any suggestion of that kind had been made. I believe as a matter of fact that there was absolutely no suggestion that the Chinese entered into their calculation when they were prepared to place so vast a burden upon the Transvaal. I have endeavoured to submit to the House some of the arguments in support of this loan under the three principal heads—its purpose, its security, and the precedents for it. But, there are one or two observations of a general kind which I wish to make before I sit down. In the first place, what is the connection between the loan guarantee of the Imperial Government and the repatriation of the Chinese which is now in progress? We have heard a great deal about a bargain and about a bribe, and I think language has been used in that respect not at all complimentary to the Government of a responsible Colony. Hon. and right hon. Gentlemen opposite must realise one plain fact, and that is, that so far as the present Government are concerned we want to get rid of the Chinese, and we mean to get rid of them. That is the basis on which we start out to argue this question. The Transvaal Government and Parliament, newly elected, agree with us. They want to get rid of the Chinese, they mean to get rid of them, and they have declared that their policy is repatriation at the expiration of the indentures. Now I submit to the House that that is a matter of obvious common sense and simplicity. The Transvaal Government desire to raise a loan; they say that they are forced to raise a loan, and if they had not the

British Government to fall back upon, they would have had to go cap in hand to Sir P. FitzPatrick, Sir Julius Wernher, Messrs. Albu and other defenders of the "gilt-edged Union Jack," who are so powerful and prominent in South Africa. And then these gentlemen would have been able to say "We will support your loan and enable you to get your money in the market, provided that you allow us to obtain the labour which we desire and which in our opinion is most profitable for the mines." If that situation had arisen it would have compromised the whole independence of the new Government. There was nothing underhand in the matter. Our desire was that they should be free and choose for themselves in the matter, and that their position should be one in which they could rid South Africa for ever of this detestable expedient. We should have been simpletons to allow the new Transvaal Government to be placed in absolute dependence on the very men with whom it is not only a matter of commercial interest but of political passion to procure the labour of the Chinese. I am well aware that the whole prosperity of the Transvaal is dependent very largely upon the prosperity of the gold industry. I do not know whether the interests and prospects of that industry are served by the extraordinary pessimism which is so freely indulged in by some persons who talk about it. But the conditions are by no means dark at the present time. The number of natives who are going into the mines is greater than ever before known, and greater than can be employed. All recruiting from the Cape has actually been stopped, because at the present time there is no means of accommodating the men from that source. In the meantime the Cape Government are arranging with the Transvaal Government for the much better regulation of the supply of natives from Cape Colony, and similar arrangements have been discussed with the Colony of Natal. I understand also that improvements in the machinery by which the mines are worked are steadily being introduced, and I understand that the new Gordon drills which have lately been invented, and which are now being tried, are calculated still further to relieve the pressure and to limit any shortage of natives. Therefore, I would say that a great future on a solid industrial basis lies before the mines of the Witwatersrand. But something is needed besides labour. So speculative an industry requires public esteem and the confidence of investors, and so long as the mineowners employ Chinese labour it will be a threatened industry, standing upon a basis which is going to be broken up, and the sooner they realise that fact the better it will be for them. The right hon. Gentleman has placed a Motion on the Paper which is equivalent to the rejection of this Bill. I am sorry to see it there, and I think the right hon. Gentleman has undertaken a somewhat ungracious task. I regret very much that so amiable a politician should have been cast for the part of "devil's advocate." Now that the country is definitely committed to the new arrangements which have been made, I had hoped that the line of cleavage in this House would not have followed purely party lines. At least in a matter so delicate as this, involving the fortunes of the new Government in its early days, and its relations with the British Government, I should have thought the official Opposition would have been content to accept somewhat of the guidance of those who bear the responsibility. After all, we still have a task of the utmost anxiety in South Africa. The great transference of power has taken place. We have transferred the power in South Africa from the basis of force to the basis of concession. The new Transvaal Government when it came into power was not a Government from the members of which we received any assurance. We received no assurance and asked for none, but with that Government we have had to do a mass of complicated business—questions of labour, native rights, the position of our Indian fellow-subjects, finance, military security, all questions on which disagreement might easily arise if there was not between us goodwill and mutual confidence, arising from the fact that the British Government are resolved to do their best to help the Colony and the Colony is resolved loyally to accept in the fullest possible spirit the constitutional arrangement which the British Goverment have made on their behalf. Is it to be wondered at that we should wish to make the people of the Transvaal feel that the British people can render services as well as bring about disaster, and that after the estrangement of the past we can co-operate in the re-building of South Africa? That is the broad Imperial policy which underlies the introduction of this Bill. We have had great difficulties, but we have a great deal to be thankful for. What can more raise the prestige of British statecraft than the anouncement of the gift of the great diamond which is to be made by the Transvaal to the King? That is a wonderful event. It has nothing to do with the loan, but it has a great deal to do with the relations between the British and Boer peoples. It will probably be remembered for hundreds of years after a great deal of the legislation on which we are engaged has been forgotten. The granting of the guarantee at this time no doubt involves a sacrifice; but compared with the tremendous issues in South Africa, with all the millions we have spent and all the risks we have run, it represents scarcely more than the harbour charges on some great ship coming safely into port after a stormy voyage.

Motion made, and Question proposed, "That the Bill be now read a second time."

*MR. LYTTELTON (St. George's, Hanover Square): I do not intend to follow the right hon. Gentleman in what he said in regard to his last topic, in which he made, I think, an unfortunate reference. That subject may be left to the admirable sense and tact which his Majesty always displays in affairs affecting his subjects. The right hon. Gentleman has spoken as if the loan to this self-governing Colony presents little difficulty, as if there was ample precedent for it, and it was dictated by obvious expediency. In every case which the right hon. Gentleman has cited as a precedent there were actual subjects of value which were obtained for the loan. The loan itself in two cases was only half a million, in another case one million, and in two other cases three millions. The objects to which these loans were devoted were the purchase of great territories and the foundation of great trunk lines. What analogy can there be between those cases and a case such as this, where the Colony has a deficit, where it has an enormous indebtedness to us, and where there has already been–I am not saying it is the fault of the Colony—a very considerable failure to honour obligations? The right hon. Gentleman has considered it relevant to the discussion to mention the so-called extravagance of the late Government with reference to the war. It is less than decent in the right hon. Gentleman, with Members on each side of him like the Chancellor of the Exchequer and the Attorney-General, who cordially approved of the war, to refer to the matter as if it has any relevance to this state of things. The right hon Gentleman himself was a supporter of the war.

MR. CHURCHILL: I was never a supporter of the policy of unconditional surrender.

*MR. LYTTELTON: May I say without offence to the right hon. Gentleman that other persons more important than he and now sitting by him were supporters of the War.

THE ATTORNEY-GENERAL (Sir JOHN WALTON, Leeds, S.): It is unnecessary to drag me into this matter. I certainly never supported what was described by the right hon. Gentleman as the undue prolongation of the war.

*MR. LYTTELTON: I gladly accept that exceedingly legal qualification. The hon. and learned Gentleman is a hearty supporter of £200,000,000 of that expenditure, and if that is so the only relevant argument that can be formed upon it is that the Government should be abundantly cautious of involving the credit of the country further. The latter portion of the right hon. Gentleman's speech was devoted to explaining and justifying the purposes of the loan. Nobody on the Opposition side will traverse the contention that the purposes for which this loan is to be spent are useful purposes, and especially that of land settlement. I do not suppose there is a Colony in the whole Empire in which an expenditure of £5,000,000 could not be well justified, and I do not think there is a single Colony which would not be glad to have it. The point, however, is not whether the money can be profitably spent in the Transvaal; the point is whether there is a justification for at this moment imposing this burden on the credit of the Imperial Government, and, more material still, whether it is right to facilitate and encourage expenditure to enable another £200,000 a year to be placed on the shoulders of the Transvaal taxpayer at a time when the financial condition of the Colony is not at all prosperous. While the right hon. Gentleman has purported to put the facts before the House, I complain that he has not put before us the Budget statement of the Colonial Treasurer. Great sacrifices have been asked and great sacrifices have been incurred by the British population in the Transvaal. They have loyally made the sacrifices asked of them, and they have at least the right to demand in this matter scrupulous impartiality on the part of His Majesty's Government in their dealings with them and their Dutch fellow-subjects. They have a right to work out together with the Dutch their own salvation, which should not be affected by any undue interference by His Majesty's Government. I ask the House to bear in mind certain cardinal points whilst considering the policy of this loan. Does it conform to these principles? Is it prudent, considering the interests of the Colony as a whole, for them to borrow a large sum more at the present time? Is it fair to the taxpayer of this country that their liability should be increased in order to facilitate the operation? Is the policy of the loan now being carried out with ordinary and reasonable prudence and in conformity with the proclaimed intentions and policy of His Majesty's Government and with the aspirations of their own followers? These are the tests I ask the House to consider. On a previous occasion I informed the House of the warning given by high financial authorities in the Transvaal against any further borrowing in the existing financial condition of the country and by the deplorable state of the revenue. It is not necessary to quote the cases of Mr. Hichens, a former Colonial Treasurer, and General Smuts for the recent Budget statement of the Colonial Treasurer, Mr. Hull, speaks for itself and with fullest authority. I complain that the right hon. Gentleman has not placed before us that statement which we are entitled to have. According to that statement, the revenue of the Transvaal is falling all round, and had fallen below the estimate £328,000; railways have produced £600,000 below the estimate; the expenditure has exceeded the revenue by £51,000; public works have been stopped, railway works stopped; the depression is becoming deeper and deeper; and there is little hope of providing means for its removal, while the Estimate for 1907–8 shows an anticipated deficit of more than £50,000. Looking at the point of view of the Transvaal alone, there are circumstances which even the most reckless financier would regard, and say that the times were inappropriate for the raising of further money. The right hon. Gentleman said, ingenuously enough, that General Botha was going to raise this loan in any event. Of course, General Botha was perfectly right to say so to the right hon. Gentleman, but how would General Botha have been able to face his taxpayers if for a purpose such as this he was going to place a loan on the market at a time when, without the guarantee of the Imperial Government, he could not have raised it at less than 5½ or 6 per cent.? This Government of free traders, totally opposed to the unanimous wishes of the Colonies for Colonial preference, are artificially to disturb the conditions this of country and to prefer the Transvaal in these circumstances before all the self-governing Colonies. What possible reason is there for witholding from the Cape or Natal the remarkable accommodation which the Imperial Goverment is giving to the Transvaal? Again, I ask, does it show justice or impartiality to the minority in the Colony? That minority, which is mainly an urban and a British population, raises 85 per cent. or even more of the whole taxation of the country, and upon that urban population is going to be placed the main burden of that which will enure almost entirely to the advantage of the rural population. I was, I believe, the first man in this country who urged that the Dutch should be treated with the utmost generosity. But a great deal of water has passed under the bridges since then. The British taxpayer has provided a great deal for the population of the Transvaal. We guaranteed the 35 millions loan to the Transvaal in consideration of their paying 30 millions as a War contribution. The 30 millions are gone, but the saving to the Transvaal by the guarantee of the 35 millions was at least £350,000 a year. The whole of that sum is in the pockets of the Transvaal taxpayers at the present moment. In these circumstances are they entitled to special consideration above all other Colonies, and to have another five millions added to the 35 millions already guaranteed? We have also to consider our own case—the circumstances of the loan market in this country at the time this loan is guaranteed. There were qualifications, some weeks afterwards, of this promise to guarantee £5,000,000, but at the time the pledge was given it was given without any qualifications whatever; it was publicly announced in this House.

MR. CHURCHILL: In principle.

*MR. LYTTELTON: And interest, too. I do not know what guaranteeing a loan "in principle" is. However, the right hon. Gentleman is entitled to any qualification he pleases.

MR. CHURCHILL was understood to say that the terms were not stated at the time the loan of £5,000,000 was guaranteed in principle.

*MR. LYTTELTON: The right hon. Gentleman has given me an answer, and has not contradicted what I said. I said a moment ago that His Majesty's Government in this House unqualifiedly promised the guarantee of £5,000,000. That is a fact. That was understood by everybody. It had a disastrous effect on the price of Consols the moment it was made. It had so disastrous an effect upon the market that the Chancellor of the Exchequer, some weeks afterwards, by which time much mischief had been caused, stated what apparently was not known to the Government—in such reckless and hot haste had this been done—that the loan need not be issued for some considerable time, and only in small amounts. At this very moment the Transvaal Chancellor of the Exchequer does not know to what purpose he is going to apply a great part of the loan, and has declined to pledge himself in regard to the matter. At a time when we had almost unprecedented depreciation in gilt-edged securities—I need not pause to argue what was the cause of that depreciation—you made this statement, unnecessarily, as it afterwards was proved, that £5,000,000 was about to be guaranteed. You did not attempt to assuage the fears created by that statement until weeks afterwards, and then, after the mischief and inconvenience had been caused, the right hon. Gentleman the Under-Secretary for the Colonies comes down and states that the promise to guarantee this loan was only "in principle." That is very poor consolation for the people who have lost money—not speculators or mineowners but investors in these securities who are above all entitled to be considered. I think I may summarise the situation in this way. When this guarantee was promised, we had, from the Colonial point of view, a vast debt upon the Colony already. We had, first, £35,000,000. And that was not all. As the right hon. Gentleman ought to have known, we had a municipal loan of £8,000,000 to Johannesburg, which is, of course, a burden upon the community. We have £35,000,000 plus £8,000,000, plus £2,000,000, in respect of loans to the Boers for repatriation; and, finally, His Majesty's Government, who profess to encourage economy and thrift, in regard to this little community of 300,000 white inhabitants, who have already got a debt of £50,000,000 upon them, are actually facilitating and encouraging further obligations to the extent of £5,000,000, representing a further charge of at least £200,000 a year. Concurrently with that, we have in this country a state of things into the origin of which I do not pause to inquire. A condition of things has arisen in which Consols are lower than they have been for many, many years. [AN HON. MEMBER: Their natural price.] They had been made lower still by the operation of His Majesty's Government in connection with this loan. Consols fell on to the announcement that you were going to guarantee this loan. That has been done to the great prejudice of a great many people who are as perfectly entitled to consideration as anybody else in this country. While I admit that the amount of £5,000,000 would on ordinary occasions be a trifle as regarded ourselves, yet at the time the loan was guaranteed it caused grave inconvenience; and I say that nothing should have induced the Chancellor of the Exchequer or any sensible man in dealing with these matters to have given such a promise at that time, unless he considered that there was some urgent and immediate necessity for it. But there is not a single statement forthcoming on the part even of he professed advocates of this loan, not even of the Colonial Treasurer, to show that it is at the present moment an absolute necessity. It is really of no use beating about the bush on the matter. The right hon. Gentleman has admitted what everyone knew to be the true reason of the issue. The right hon. Gentleman has said that it was necessary for the Government to get rid of the Chinese.

MR. CHURCHILL said he had never stated that it was necessary for the Government to get rid of the Chinese, but that the Government meant to get rid of the Chinese.

*MR. LYTTELTON: I congratulate the right hon. Gentleman on his interruption. If the Government mean to do a thing, and say that they mean it, I suppose that it is necessary for them to do it. The right hon. Gentleman said on a previous occasion that no bargain was made, but I challenged that statement at the time, and told the right hon. Gentleman that very different interpretations were applied by different people to the word "bargain." The right hon. Gentleman might be right in repudiating the word "bargain," but, as I said before, no bargain is required in these matters. The Government wanted, and, indeed, found it to be necessary, to enlist the Transvaal Government on their side and to induce them to say they wished to get rid of the Chinese.

COLONEL SEELY (Liverpool, Abercromby): They said it long before.

*MR. LYTTELTON: The Boer leaders asserted over and over again in and after the general election, their policy was repatriation and replacement. That was a very awkward policy for His Majesty's Government to deal with, because I expect they knew that although, owing to the stoppage of other works in South Africa and to the universal depression, there was an unusual flow of native labour, but the moment prosperity approached, this supply of native labour would run down and reach very much the old level. It was very necessary for the Government, therefore, to get that statement and get apparent advocacy upon the part of the Transvaal Government. Why do I say that? Because all other methods had failed. The Government tried to intimidate the Chinese by telling them that they were slaves; but the Chinese would not believe them. Having tried terror and intimidation, and strong language, however mendacious, they tried another plan. They offered the Chinese a voyage home at the country's expense, but no one would go. They tried cajolery and coaxing, and the Chinese also resisted coaxing and cajolery; they would neither be intimidated nor bribed. Never were there people so obstinately enamoured of their fetters. The right hon. Gentleman received a despatch from the Governor of the Colony in respect of 350 Chinese admitted owing to some slip of an official, and the Governor stated that he was advised by his officials there that if they attempted to send these men back again, though they knew the conditions of the service upon which they were about to enter, there would be a dangerous riot. The situation was becoming extremely awkward for His Majesty's Government, because their followers were not content with the lamentable and ridiculous exhibition on the part of their leaders, and they were pressing them in a formidable manner. A member of the Labour Party moved the adjournment of the House, and the hon. Member for Newbury expressed his deep displeasure. The Government noted these painful symptoms. They had tried every other means of getting the poor Chinese to move. They still had not the courage to take the consequences of their own language. They did not say to the country, "We must make good the loss to the Transvaal if these men are moved. Please pay the bill." They like to be astride of both horses at once; to tell the taxpayers that everything they say is true, and that at the same time all their rash assertions will cost nothing. The situation is quite plain. General Botha desires a guarantee for his loan. His Majesty's Government wish the Boers to be made to say the contrary of what they said at the election, viz.—that the Chinese shall be at once repatriated. Both these desires are concurrently gratified; but there was no bargain. It is an undesigned coincidence. Let me, however, assure him the Under-Secretary has taken in nobody, not even himself. Let him place these circumstances before any impartial tribunal in the world, and let it judge as to whether the cause has not been followed by the effect.

COLONEL SEELY: Read General Botha's speeches.

*MR. LYTTELTON: But has this further pledging of the credit of the country been effected with ordinary prudence, and with regard first to the legitimate rights of the Civil Service in the Transvaal? The Government were taking to this Colony some of the greatest boons that could have been given. The generosity of this country was unprecedented in the history of the Empire. The Government had a position of immense strength for the purposes of bargaining. They might legitimately have required that the whole of that £500,000 which this House had provided for land settlement should be definitely appropriated to that object. They might have made provision for the relief of the hardship, which is admitted, to the civil servants, many of whom were attracted to South Africa by the belief that there was to be a longer stage of representative government, and had in result lost everything in the Transvaal, and many openings in this country. Surely when His Majesty's Government were going to place in the pockets of the Transvaal this large sum, would have been legitimate to see that some consideration was given to the sufferings of the civil servants. I was glad to hear the tardy reparation made by the right hon. Gentleman to the Civil Service. It was not very long ago that, in the very speech in which he cast vituperation on Lord Milner, the right hon. Gentleman spoke of the Civil Service in the Transvaal—many of whose members have worked harder than any one in the House of Commons for the restoration of the country—as "a costly and not too efficient nominated and imported bureaucracy." The apology of the right hon. Gentleman is in much the same terms as that which he had to make to Sir Hamilton Goold-Adams and his staff.

Mr. CHURCHILL: I invite the right hon. Gentleman to quote any passage in which I cast vituperation on Lord Milner. As to my having used the expression "costly, not too efficient, nominated and imported bureaucracy" of the Civil Service, I withdrew the words "not too efficient," but it was certainly a bureaucracy, and it was also nominated and costly.

Mr. LYTTELTON: The speech of the right hon. Gentleman in December, 1906, was accepted as a disparagement of the work of the Civil Service. But the point is that, with all their power for bargaining, by reason of the boons this country have given to the Transvaal, His Majesty's Government have done nothing for the civil servants, and British magistrate after magistrate is being reduced. While the Government professes its desire to serve the Transvaal, there is no reason why it should have omitted any regard for the Transvaal Civil Service, now suffering grievous hardship. Again, time after time when I was at the Colonial Office, I was addressed in strong terms by hon. Gentlemen below the gangway as to the condition of the natives and British Indians. Warnings of what was the opinion of the Transvaal Government in respect of the natives were perfectly plain. General Botha, not many years ago, gave before a Royal Commission his opinions as to native labour policy in South Africa. His policy is to break up native locations and reserves, and by taxation to bring the natives into the mines. I have always agreed that there is a balance of advantage in favour of native over Chinese labour, though many of the evils alleged against the employment of Chinese reproduce themselves in a more extreme form in the employment of natives. There is this lamentable difference—that the natives die off much more quickly. But what are His Majesty s Government now doing by the removal of the Chinese? They are placing a tremendous temptation on everyone concerned in the revenue of the Transvaal to take for the mines natives who are physically unfit for the work. What means have you taken to safeguard the natives against that tremendous temptation, more serious when you consider it in connection with what General Botha said on oath before a Royal Commission? The Transvaal Government have only been in session for two or three months. What has been their admitted attitude to the natives in that short time? So soon as self-government was given them, and so soon as the guarantee of the loan was promised in this reckless and foolhardy way, then General Botha, feeling the necessity of the revenue to be derived from the mines, and feeling the necessity of replacing the Chinese whom he has promised to the Government to get rid of, saw at once the necessity of attracting natives into the mines, who, but for that attraction would not come, and in defiance of the opinion of the whole of South Africa and the Transvaal, itself proposed a Liquor Bill to permit the sale of liquor to natives in the mines—a proposition which was so scouted by the entire public opinion of the country, and by a large proportion of the Government's majority that he was obliged to withdraw it. That episode shows what the attitude of the Government of the Transvaal is in regard to the subject, and how easily and naturally they yielded to this temptation. There is another proposal which I will not specify, but which appears equally scandalous. I expect it was to deprive the natives of redress in the Civil Courts. After having lured them into the mines by the prospect of liquor, they were to be deprived of the right to seek civil remedies. I speak that with regard to this matter with strict reserve, for I have not seen the Bill. The right hon. Gentleman's account of it was not very lucid, and I desire it to be distinctly understood that I reserve my opinion on that until I have actually seen the Bill. There is only one other topic to which I will refer. There is the case of the British Indians. The warning was even plainer in regard to that question. In my humble way I endeavoured to persuade, and successfully, the Transvaal against a course which was pressed upon me unanimously at the time I was in office. The Government had that warning before them. The Government had many other warnings since that it was inevitable that a similar attempt, but probably of a much more drastic kind, would be tried by the present Transvaal Government. It was inevitable that it would be tried. The very things which the Government and their supporters when they sat in opposition denounced us for day by day, namely, not permitting people to hold land, the special law about passes, the special law of identification marks which were repeatedly flung into our face, this Government submitted to. They allowed the passing of such legislation in regard to British Indians without a murmur. Nobody knows better than I do the enormous difficulties of meeting opinion in South Africa upon this question, and I will go so far as to say that I doubt whether it would have been wise on the part of His Majesty's Government, once they decided to give self-government, to provoke another internecine conflict on this question, but I do say with all the earnestness in my power that it was criminal negligence on the part of His Majesty's Government to enter into this undertaking without getting some terms for those people. They now sit paralysed before the Transvaal Government. They have no means of redress. Everybody who understands this question knows that they dare not provoke a conflict with a unanimous Colony on such a subject as this. Their opportunity was before. In such reckless haste were the Government to get these declarations from General Botha about the Chinese that they actually surrendered the whole claim they had upon the Colony for the £30,000,000, the whole claim they had for the £350,000, and whatever consideration they were entitled to in return for the precipitate advance of the cause of self-government: the whole of this splendid negotiating power they threw away without lifting a finger for civil servants, natives, or British Indians. I am sorry that such a course should have been taken. Everybody interested in any way in British credit must be aware that that which would not ordinarily have been a strain upon it, has been so at this particular moment. I think it is most deplorable, it is disastrous, that this exercise of British credit should have been made at this time when the Colony ought not to have had another sixpence put upon its debt. That opportunity, now, unhappily, is passed, and I believe there is for ever gone all opportunity of properly adjusting the relations between this Government and the Colony, as to the natives and as to British Indians in the Transvaal. I beg to move.

Amendment proposed—

"To leave out the word 'now' and at the end of the Question to add the words 'upon this day three months.'"—(*Mr. Lyttelton.*)

Question proposed, "That the word stand part of the Question."

*THE CHANCELLOR OF THE EXCHEQUER (Mr. ASQUITH, Fife, E.): If I follow the right hon. Gentleman I hope I shall be able to keep rather more closely to the question actually before us than he has found himself in a position to do. Two-thirds of the right hon. Gentleman's speech have consisted of a thinly-veiled attack on the grant of self-government to the Transvaal, and an attack, certainly not veiled at all, on the policy which has been pursued by the responsible Ministers of that self-governing colony since they came into office. He suggests, though he does not actually declare, that something in the nature of a corrupt bargain—there is no other word to describe it—that is the sense in which it has been understood by some of the right hon. Gentlemen's supporters, that something in the nature of a corrupt bargain has been entered into between His Majesty's Government on the one side——

MR. LYTTELTON: I did not say so.

*MR. ASQUITH: I am saying what is suggested and what is understood by hon. Gentlemen behind him—that something in the nature of a corrupt bargain was entered into between His Majesty's Government on the one side and the Government of this self-governing colony on the other, whereby, in consideration of our guaranteeing this loan, they have agreed to abandon the Chinese policy which they had previously adopted, and to substitute for it a Chinese policy more in accordance with the wishes and opinions of His Majesty's Government. That is the sense in which it is understood. No such bargain ever took place. There is not the shadow of a foundation for it. General Botha, I assert here, in the face of this House and of the country, is as free to-day to propound any Chinese policy he likes in the Legislature of the Transvaal as he was before the negotiations for this loan were ever entered into. Is that plain? I hope it is. The right hon. Gentleman, having suggested, first of all, the existence of this corrupt bargain, next attacked the Transvaal Government in regard to its native policy. He describes one Bill, which was introduced and since withdrawn, as scandalous, and another Bill, which he admits he has not seen, as, hypothetically, equally, if not more scandalous. Is there any other self-governing Colony in the Empire in regard to the proceedings of the Ministry of which a responsible statesman here would allow himself to use such language? I am not going—it is no part of my business, though I enter a protest against such language being used—to defend the policy of the Transvaal when we have given them self-government. We gave it with the intention that they should exercise it, and in the belief that they are capable of exercising it; but we have carefully reserved in the Constitution powers to the Imperial Government, which they would not hesitatate to exercise in fit and proper cases, over certain classes of legislation in which the interests of particular sections of the community are specially concerned.

The real question before us is the merits of the Bill; but let me, before I deal with what I conceive to be the actual point, just note, in order that I may respectfully brush it aside, the argument of the right hon. gentleman which was relevant to the question. He told us, or he suggested, that this loan was a form, and a very invidious form, of colonial preference, because we were discriminating in our treatment of the Transvaal in a manner favourable to them, and giving them in the shape of this guarantee a boon which we did not propose to give to any other of our self-governing colonies.

MR. LYTTLETON: There is no case for giving.

*MR. ASQUITH: I am dealing first with the question of preference. The argument of the right hon. Gentleman is one which, I would point out, does not receive a shred of suppport from any self-governing colony in the Empire. So far as I know, and so far as the Government know, not a single responsible statesman in any one of our self-governing colonies has sent to us one word of protest or remonstrance or even of criticism. But they are supposed to be smarting under a sense of having been very badly treated through one of their fellow colonies receiving this preferential treatment.

SIR GILBERT PARKER (Gravesend) made an interruption which was not heard in the gallery.

*MR. ASQUITH: I saw something in the papers about the Premier of South Australia—[OPPOSITION laughter]—Will hon. Gentlemen do me the courtesy of waiting till I have finished my sentence?—I saw the statement in the papers, but I believe that what he said was not favourably received by those to whom he said it. I was careful to say that no communication has reached His Majesty's Government from any responsible statesman throughout the Empire in protest, or even in criticism, of this loan. The truth is, I believe, that the self-governing colonies regard the matter entirely from the same point of view as we do, that the guarantee of this loan was an inevitable, though, no doubt, an unforeseen consequence of the war in which they played so conspicuous and honourable a part, and a necessary incident of the completion of a settlement based, as it is, on the free and full grant of self-government—a settlement which, as we know by the language used by Sir Wilfrid Laurier, has been ratified by the practically unanimous sentiment of all the self-governing communities of the Empire.

I pass from that, nor will I enlarge on the question of whether there are or are not precedents which precisely meet the case. The Under-Secretary has quoted a number of cases in which loans have been granted in the past to self-governing Colonies. [AN HON. MEMBER: None for thirty years.] What does that matter? Suppose there was no precedent at all? I say it would be quite necessary to create one. But we have the best precedent possible, as my right hon. friend has pointed out, in this very case, for less than five years ago a guaranteed loan of £35,000,000 was advanced to this very colony. True, it was then a Crown Colony. It was not technically in the same *status* as it is now, and there were for the time at any rate means of enforcing your security if occasion should arise, but the loan was granted to a Crown Colony which was about to enter, in the course of a few years, upon the full stage of representative self-government. Therefore, if the late Government looked forward to the future, as they were obliged to do, they were practically then guaranteeing the credit of a self-governing colony. But the real question is, first, as to the necessity, and next as to the security. Of course, in my character as Chancellor of the Exchequer a proposal of this kind was *prima facie* an unwelcome proposal. I do not want to see any extension of the direct or of the contingent liabilities of this country, still less a resort either by the Imperial Government, or, so far as we have any influence in the matter, by any of our Colonies or Dependencies, in the present condition of the money market, to further loans. Therefore I naturally scrutinised this proposal with considerable jealousy. But how does the matter stand? We have heard from the right hon. Gentleman a very pessimistic account, to put it mildly, of the present financial position of the Transvaal. I may say that, if that account were in all respects justified by the actual facts, it would be perfectly clear that if the Transvaal were to borrow at all it could only borrow upon an Imperial guarantee, and therefore, *pro tanto*, all the arguments which were used to show the precarious or unsatisfactory condition of the Transvaal finances would go in the direction of supporting our proposal. But I must say that these arguments came with a singular ill-grace from right hon. Gentlemen opposite. As my right hon. friend reminded us, it is only four years since they came down here and obtained the assent of Parliament to a guarantee of a £35,000,000 loan, because it was part and parcel of a transaction the other element in which was a promise on the part of the Transvaal to raise a loan of £30,000,000 which would have involved, for sinking fund and interest, at the very lowest an annual charge of £1,200,000; and we were solemnly assured with an enormous parade of figures that the credit of the Transvaal was amply sufficient to stand that transaction, and that there was not the least fear that we should be called upon to make good our guarantee. To-day we are told from the very same authority—though it is true my right hon. friend opposite was not then the Colonial Secretary—that for us to guarantee only the interest of a loan of £5,000,000 is seriously to imperil the future of British credit, or, at any rate, to expose us to the serious risk of having to make good a loss. In all the annals of miscalculation there have been more unfulfilled promises in this matter of Transvaal finance than have ever been made before. I am not going to join the ranks of the prophets and expose myself to a similar refutation in the future. But extravagant as was the forecast which assumed, four years ago, that the Transvaal could add to its liability for the £35,000,000 loan another liability of £30,000,000, I cannot help thinking that there is a similar extravagance in some of the pessimistic estimates which are now offered. It is quite true that upon the estimates for the current year, 1907–8, the Budget of the Transvaal shows a deficit of £51,000. But I must say for myself that, having examined those accounts with considerable care, I entirely agree with what my right hon. friend the Under-Secretary said, that the Treasurer of the Transvaal, in the first place, has taken a conservative view of the prospects of his revenue, and, in the next place, has made no allowance for retrenchments of expenditure which are obvious, which are easily effected, which we know are in contemplation, and some of which are in course of actual execution. Let me make one general observation in regard to the apparent falling off in recent years of the revenue of the Transvaal. Very largely it is due—to the extent of, at any rate, £1,000,000—to the reduction in railway rates, a reduction made in 1903, and the effect of which was very largely under-estimated by Lord Milner and those who advised him. I do not say that rates can go back to their old level—I do not think there is the least chance of it, and the only hope of making that good to any extent is by an increase of traffic. But I mention that as accounting, to some extent, for what would otherwise be unaccountable miscalculation. And then, again—and this is a more hopeful and more important consideration—there is a considerable cash balance of nearly £1,000,000 in the Treasury of the Transvaal, which, although it cannot be represented as liquid assets—a good deal was lent out in various ways to local bodies and to others—yet stands as a good debt, as part of the assets of the community, and to some extent — perhaps a considerable extent — could be made available in case of need. Further than that, it is to be observed—and this is, I think, one of the best features of Transvaal finance—that the Transvaal has during the last few years constructed and developed out of revenue a great many works which in almost all British Colonies are provided out of capital. A good deal of railway construction, agricultural development work, and public buildings have been provided for in that way. I find from the accounts that no less than £3,392,000 was expended in respect of such works up to 30th June, 1906, towards which sum only £520,000 was appropriated from loan money; and even after meeting these special charges, the accumulated balances of revenue over expenditure amounted on that date to no less than £1,325,000. Then, again, although the main sources of taxation—the Customs revenue, the profit and other taxes upon mining, the native taxes, and the receipts from railways—are probably not capable of (at least it would not be wise to anticipate any) very large development in the near future—though I see the Treasurer does anticipate a substantial increase of railway receipts—there are other sources of revenue which are clearly open to him in case of need. Take the Estate Duty. That duty is 1 per cent., and without going into any extravagant estimates, there would be obviously a considerable field there for the further development of revenue. And I think I am correctly informed that there is no transfer duty of any kind in the Transvaal, or, at least, it is merely nominal. [A MEMBER on the OPPOSITION BENCHES: Yes, 4 per cent.]. I am not speaking of the transfer of land, but of the transfer duty upon stocks and share transfers such as we have in this country. There, again, in a community of that kind there would seem to be a relatively fruitful field for the further development of taxation. But it is from the other side of the account undoubtedly, the direction of the retrenchment of expenditure, that the Transvaal Government may well look forward to a better financial position than it has to-day. Allusion has been made to the reduction in the Civil Service. Far be it from me to say one word in the way of disparagement or criticism of gentlemen, many of them men of great ability, who have been devoting their services to the Government of the Transvaal during the last five years. But they went there knowing perfectly well what were the contingencies to which their service was exposed. Nobody can say that they have been badly paid; on the contrary, the scale of salaries in the Transvaal has been substantially higher than in almost any other country; and nobody can possibly contend that any consideration of justice, still less of honour, was involved in retaining gentlemen of this kind, however able, in numbers which were excessive, at salaries which are beyond what the country can afford to pay, and simply for the sake of enabling them to work out what they thought were the prospects of their own future. There can be no question about it. It is, I believe, the unanimous opinion of the Commission appointed, not by General Botha's Government, but by the Government of the Transvaal when a Crown Colony, that a reduction should be made, and it is being carried out under the superintendence of a very able Anglo-Indian official, who may be relied upon to see that whatever reductions are made are not beyond the necessities of the case. A second and not less important matter is that of the Constabulary. I do not wish to say anything as to the lines on which that force was originally framed. No one can doubt that, man for man, it is the most expensive force now in existence in the world; £266 per man is the cost of keeping up that Constabulary, and it is a drain upon the combined resources of the Transvaal and the Orange River Colony to the extent of considerably over £750,000 a year. Now that we have passed to the stage of responsible Government there can be no justification whatever for keeping up a force on that scale and at that expense, and I do not doubt that the immediate reductions will be considerable and that revenue which will be set free by the curtailment of this extravagant form of expenditure——

MR. LYTTELTON: Not for some time.

*MR. ASQUITH: I am told that at no very distant date a saving of something like £250,000 a year is anticipated. Let me point out that so far as the present year is concerned the additional charge imposed under this Bill upon the taxpayers of the Transvaal cannot be more than £40,000, because we have arranged with the Government of the Transvaal that they shall not raise during the present year more than £1,000,000 out of the loan of £5,000,000. Even assuming that the loan has to be raised at the rate of interest of 4 per cent., I have overstated the amount, because the financial year in the Transvaal ends in June, and we are now in August. I demur to the account given by the right hon. Gentleman of the manner in which this guarantee was originally announced. I never said it was going to be raised in a lump sum or at any one time. My right hon. friend, in using the words "in principle," which the right hon. Gentleman rather scoffed at, thought he was guarding himself equally against any such interpretation. Certainly I never suggested, and knowing the condition of things in the money market here, I was not likely to suggest, that the whole of the amount should be cast upon the money market at the present time. I do not think the injurous effect upon the price of Consols can be attributed to anything I have said. The fall in Consols is due to causes of a more far-reaching and widespread character than this little loan.

MR. LYTTELTON: I did not say the whole fall.

*MR. ASQUITH: It is quite true that a rise took place when I announced this year that the whole sum was not going to be raised. I will make the right hon. Gentleman a present of that. I think I have shown there has been sufficiently careful scrutiny of the finances of the Transvaal, and that at any rate at present or in the immediate future there is an ample and sufficient sum to guard the British taxpayer against any danger of being called upon to make good the guarantee under this Act.

I must say one or two words upon the necessity of the purposes for which this loan is to be provided. As my right hon. friend has explained, they are twofold. In the first place, as regards the Land Bank, the proposal comes to us with the very highest authority. It originated with Lord Selborne. Lord Selborne pressed it upon us time after time with arguments which seemed to me to be irresistible in their force. The original capital suggested was £5,000,000. That has been reduced to £2,500,000; and, as I understand the proposal, it is not to be assumed that £2,500,000 is going to be advanced all at once. Nothing of the sort. But there is to be power ultimately to advance £2,500,000; the process is to be experimental and tentative. My right hon. friend has put before the House one consideration of the greatest importance. It is that you should do all you can by legitimate means, without imposing an excessive or unnecessary burden upon any particular interest in that country, to multiply industries in the Transvaal. What needs development more than anything else is the agricultural industry. Irrigation, the stamping out of cattle disease and other diseases of animals, the provision of reasonable means of borrowing on the security of the land itself, are the means which, according to all authorities acquainted with the details of the matter, afford the best scope for establishing a really independent agricultural interest in the Transvaal. As to the other purposes of the loan, I cannot consent to the view which seems to be taken by the right hon. Gentleman who has just sat down, that these are things which can be brushed aside or at any rate postponed. Let us look at what they are; they are contained in the second category. First, they are purposes which may be said to be the leavings of the £35,000,000 loan. They are purposes which ought to have been provided for by that loan, but that loan has fallen short, and therefore these purposes cannot at present be fully met. That is true as regards the very important item of £85,000 to go to the purposes of land settlement; it is true also to the extent of at least £500,000, in regard to what are called the railway and other commitments of the Inter-colonial Council, who are already engaged in carrying them out, but as to which the funds have fallen short. To stop these things, or to stop the railways and other works when they are half or three-quarters completed, is the worst form of economy; it would involve the waste of the money that has been already spent upon them. As regards the other categories to which the balance will be applied, it is also to be devoted to railway extension and acquisition. It is admitted that the purchase of the Fourteen Streams railway is vital to the well-being of the Colony, and the improvement of the railway to Delagoa Bay is of very great importance to the commercial interest. The balance will go to irrigation and other works. At the risk of wearying the House with dry details, I have gone through these various points in order to show that, so far from this loan being recklessly assented to by us, we have carefully scrutinised every item of the programme, and we have satisfied ourselves that the expenditure is necessary, and that there is ample security for repayment in the existing financial condition of the Transvaal to prevent loss falling upon the British taxpayers. It is in that belief that we have brought forward the Bill for which we now ask the sanction of Parliament. I looked at it in the first instance from the point of view of the Chancellor of the Exchequer in raising such objections as seemed to me, from my point of view, to be proper. But I must add this. The Government found it their duty to look at the matter, and they did look at it, and I ask the House to look at it, from the point of view in which financial considerations—although by no means to be disregarded—necessarily assume a subordinate position. We commend this proposal to the House on the grounds both of justice and of policy. I say it is an act of justice because the loan of £35,000,000 is exhausted, although many of its purposes are not completely attained. Land settlement and railway construction are left unfinished, and we shall not be able to carry out the intentions of Parliament, and still less shall we be doing justice to the interests that we have created in relation to this matter, unless we provide the means for completing them. But it is more than a mere act of justice; it is an act of policy. We are witnessing in the Transvaal the early and, in some respects, the most trying days of what I do not hesitate to describe as one of the greatest experiments ever made in the history of the world. You have there a people who less than six years ago were in arms against us, as regards a considerable number of them. We have granted to them in the freest and fullest sense complete liberty to manage their own affairs. That is one of the most arduous tasks which any community so situated has ever been called upon to discharge. But I believe we shall be ill-carrying out the ends of our policy, I believe we shall not be meeting the expectations and wishes of the great majority of our fellow-countrymen here at home, if we do not do everything in our power, not only to encourage but to aid our new fellow-citizens to perform that task, confident as we are that they will perform it and bring it to an end without finding any difficulty whatsoever in reconciling patriotic reverence for the best traditions of their own past with grateful and devoted loyalty to the British Crown.

MR. BONAR LAW (Camberwell, Dulwich) said the right hon. Gentleman began by saying that some of the remarks which his right hon. friend had made were irrelevant to the topic under discussion. But if that was so he sincerely trusted that what he said would not be more relevant than those of his right hon. friend which were, he thought, extremely to the point. So far as the present generation was concerned this proposal to guarantee a loan to a self-governing Colony was absolutely new. The loan of £35,000,000 was guaranteed immediately after the War, when the Transvaal was a Crown Colony. It was true there was an intention ultimately to make it a self-governing Colony, but the time for that change depended upon many considerations, one of which was that the Colony must be self-supporting. The Under-Secretary of State for the Colonies had told the House that Mr. Gladstone was in favour of this principle in 1869, and had quoted some words of that statesman, but he had done so apparently on the assumption that nobody else would read the report of those proceedings. As a matter of fact, the last time a Bill of this kind was carried it met with disapproval from every section of the House. It was strongly opposed by Sir Stafford Northcote. It was opposed in principle by Mr. Gladstone, who said it was a vicious principle, which had already received just condemnation within the walls of Parliament. Mr. Gladstone added that the Bill for which he was responsible was to put an end to this vicious system once and for all. It was left for this Government, whose Chancellor of the Exchequer before the election made a special feature of purity and sanity of finance, a Government who claimed to be the successors of Mr. Gladstone, to revive this vicious principle which he tried to end and which but for them would have been finally ended. But they did not need to go to Mr. Gladstone for precedents. At the time that Bill was in this House it was opposed by the House of Commons. It was opposed among others by one who was now a distinguished Member of the House. The words were not very strong, but they expressed the whole position very clearly and therefore he proposed to quote them. That Gentleman then said we should then look at those loans as things we might some day be called upon to take up; that they injured our trade; that we should look upon them as reducing our own credit, as an individual would look upon a bill he was asked to back; that when a Colony asked to be assisted to borrow on better terms than they could command out of their own resources it was likely to lead to extravagance in the Colony, and that if we lent the Colonies our credit they in return should bear part of our debt. Those were the views of the right hon. Gentleman the Member for the Forest of Dean. They were true then, and if the House would permit him he would endeavour to show how far they were true now. The first point he would take up was that they injured our trade. It was obvious that they must injure our trade to some extent, and he had never listened to anything which seemed so far from the subject as the statement of the right hon. Gentleman about new issues and the rest of it and the increase of capital in this country. The time when the issue of a loan was announced had a great deal to do with the effect upon our trade. Anybody knew that at a time like the present while our markets were disorganised the announcement of an issue of £5,000,000 would have a far greater effect than the announcement of a sum of £50,000,000 under more favourable circumstances. It had injured our credit. The Chancellor of the Exchequer said it had not, but the right hon. Gentleman at a luncheon in the City a short time ago, did a thing which was not wise; he prophesied what he did not know. He said that Consols had touched bottom.

MR. ASQUITH: That was the opinion of great financial authorities and I shared it, but what I was very careful to do was to say that it was not to be taken as an indication that I knew anything as to the course of the market.

MR. BONAR LAW said he did not appreciate the subtle distinction. The right hon. Gentleman prophesied without knowing. Everyone knew what had happened since to Consols. They knew how much they had fallen, and the right hon. Gentleman seemed to make it a matter of glorification that they had not only fallen at the time when this loan was announced, but that they had continued to fall since. But the right hon. Gentleman's conviction was a reasonable one. It might be taken at the time to be the fact that Consols had touched bottom but for one thing which was fatal, namely, the existence of the Government of which the right hon. Gentleman was a member. The next point in the speech of the right hon. Member for the Forest of Dean to which he had referred was that when we gave our credit we should get something in return. Here we were giving a great preference to one particular Colony. The House would notice that the Chancellor of the Exchequer seemed to think it could not be a preference because other Colonies did not complain. A great Colony like Canada would be slow indeed to complain about any action of His Majesty's Government which did not concern Canada. Nevertheless it was a great preference. It meant £50,000 a year to the Transvaal and probably more. It was generous, no doubt, but it was a kind of generosity not uncommon and not very commendable. It was generosity at the expense of other people, not only at the expense of Great Britain but of other self-governing Colonies which desired to borrow money but which had not the inestimable advantage of being the particular pet of His Majesty's Government. The next point of the right hon. Baronet was that it engendered extravagance in the Colony. The present Government of that Colony had many virtues, but certainly among them could not be counted that of rigid economy in anything which affected either themselves or their friends. The salary paid to their Agent-General in London was unusually large, and another point, which did not involve a large sum of money but which was the best possible test of the economy of the Colony, was that the Ministers had allotted to themselves salaries which were far in excess of those allocated in other self-governing Colonies. Another point to which he would not have referred but for the fact that it was touched upon by the Under-Secretary, was the suggestion of the Transvaal to present the Sovereign with a Crown jewel. It was a kindly thought and did great credit to the hearts of the Colony, but it did not say much for their heads. Did anybody suggest that it was a proper thing when a Colony was not able to meet its expenditure out of its own resources to make a present out of borrowed money, however desirable the present might be. He might be of a suspicious mind but it seemed to him that there was a great deal of stage management about this matter. It was to him most suspicious that a thing which might have been announced at any time during the last few months should have been announced only a few days before this debate. He was not sure, but he would imagine that the right hon. Gentleman had something to do with this admirable stage effect.

MR. CHURCHILL said the statement was devoid of the slightest shadow of foundation.

MR. BONAR LAW said then he had only given the right hon. Gentleman credit which he did not deserve. [Cries of "Withdraw."] There was nothing offensive in what he had said.

MR. CHURCHILL: Not to me, but to the Colony.

MR. BONAR LAW said the right hon. Gentleman had said it was offensive to the Colony. Perhaps the right hon. Gentleman would allow him to say that he was quite as good a judge as the right hon. Gentleman as to what was a proper thing to say with regard to the Colony. The last point of the right hon. Baronet was that we should look at the loan as one which we might be called upon to take up. Was that a contingency which we could possibly overlook in the present case? It was a contingency that was in every case possible, but in view of the statements quoted by his right hon. friend, it was in this case an absolute certainty that if the depression in the Transvaal continued the British taxpayer would have to pay this £5,000,000. Hon. Members might think that an exaggeration, but in this connection he would like to ask the Chancellor of the Exchequer the meaning of the two parts of his speech. On the one hand the right hon. Gentleman said that without our assistance the Transvaal could not float this loan, and on the other hand that their assets were so good that anyone would advance a loan upon them.

MR. ASQUITH: No, no, I did not say that. What I said was that, as my right hon. friend had said, without our assistance the Transvaal could not raise the money.

MR. BONAR LAW said that that was so, but the right hon. Gentleman then went on to prove that they could easily raise the money because tradewas so good —because their assets were so good. In what way would the right hon. Gentleman contradict that? Looking at the position as disclosed in the statements of the Colonial Treasurer, they found in the first place that even in the Estimates prepared for this year there was admittedly a deficit. The Colonial Treasurer then showed they had a means of making that good. No promoter of a company ever failed to show what a handsome profit he was going to make, but the careful investor not only looked at their statement, but examined it. One of the items of this £5,000,000 loan was to be employed in public building: £100,000 was to be utilised in that way, and they were seriously told that the spending of the £100,000 would result in a saving of £50,000 a year, or half the amount. Would anybody reading that in the statement of a company think it was either credible or possible? The next point to which he wished to draw attention in these Estimates was that as regarded every item of revenue which in any way depended on trade there had been a continual fall. In Customs there was a fall of £2,000,000, in Posts and Telegraphs £35,000, in Transfer of Property £45,000—in every item there was a fall, and as his right hon. friend had pointed out, the Government had not yet put before the House the Blue-book in which the Colonial Treasurer said that this fall was continuous, that there was no stopping it, and that he did not know where it was going to end. As regarded the question of the £5,000,000 being reproductive, both the Chancellor of the Exchequer and the Under-Secretary for the Colonies had maintained that there would be an immediate return of profit, but the fact was that this would affect precisely the same class of citizens to whom £2,000,000 had already been given, and of that £2,000,000 it was not possible to receive a penny. But more than that, General Botha himself had admitted that the prosperity of the agricultural districts of the Transvaal depended entirely upon the prosperity of the mines, and therefore the chance of a return depended on the manner in which the mining industry was treated by the Transvaal Government. Taking the next item of what they called reproductive expenditure, there was to be an expenditure on railways, which was a very good thing, but obviously there again there had been a big falling off; the decrease in the traffic had been continuous, and was still going on; no matter, therefore, how much more the Government spent, they could not get more return. Any return for the money depended on the encouragement of the mining industry, on which every other industry the Transvaal depended in turn. The first duty of the Government, looking on this as a business transaction, obviously was to see that those who were intended to have this power, should utilise to the best advantage the national resources of the country of which they were the governors. Had they taken that step? On the contrary, the right hon. Gentleman, as the avowed object of the Bill, put this as a reason for what the Government had done: they said that they wished to make the new Government independent of the hostility or the goodwill of local interests. He would ask the House to consider what that meant. Here was a country where 85 per cent. of the people lived upon one particular industry. The Government of the country was not in touch with that industry, had no direct interest in it, and he put it to the House whether it would not be a proper thing that the Government should be subjected to any fair and reasonable influence which the people who paid the money could bring to bear upon it. The object of the right hon. Gentleman was to get rid of that influence. What did he mean the House to suppose? He meant it to imagine that his object was to prevent the Transvaal Government from borrowing money from the mineowners. But how ridiculous that was. The Government had taken good care of that. The policy of the Government had itself secured that of all people in the world the mineowners were those the least able to lend money; they were more likely to want to borrow, if they could find anybody to lend to them. The fact was the Transvaal Government had the opportunity of raising money in the financial markets of the world like any other self-governing Colony. The mining magnates could not interfere with them. They could go to the markets of Berlin or Paris, or anywhere else if they did not like London, and they could get money on one condition, namely, that they satisfied the people who were to lend that the country was going to be governed in a reasonable way for the development of its resources. He did not expect hon. Gentlemen opposite to agree with everything he said, but he did expect them to agree with this, that in view of the viciousness of this principle of guaranteeing the loan, and in view of the risk attending it, the transaction was one on which the Government should not have entered without being able to make out a very good case. There was not a single argument which the right hon. Gentleman had used in favour of this loan which could not be applied with equal force to almost any of our Colonies at the present moment. The Government had made out no case. He admitted they had been greatly hampered. They had not been able to tell the House the real motive which alone accounted for this Bill, which was the result of a bargain, made by His Majesty's Government at home with the Transvaal Government for the sake of the party interest of the British Government. That was a statement which he admitted could not be proved except on circumstantial evidence. But the circumstantial evidence was so strong in this case that before any legal tribunal in the world it would hang the criminal, if it were a hanging offence. What was this Bill? They did not need any better evidence than that which had been given by the right hon. Gentleman himself—circumstantial evidence. The right hon. Gentleman had himself told them that the Government started this policy with the determination to get rid of the Chinese. Later on, he had told them that in dealing with the Transvaal Government they had had to enforce a labour policy on the new Government. The fact was that all the wire-pullers had told His Majesty's Government that it was of no use going to the constituencies until they had got rid of the Chinese. That was the necessity. They had the power to get rid of them, if they had chosen, when they came into office; they could then have turned them out bag and baggage on the spot, or if that had been too drastic, they could have made arrangements that they could go on until a certain time, when the whole of them could be taken away. That, in his opinion, would have been the only honest course after the statements they had made. They had not carried it out; they had been afraid to do it. But they had stuck at nothing to get anybody else in South Africa to adopt their policy; they had stuck at nothing to get other men to pull the chestnuts out of the fire. Once before, in these debates, he had given the House an illustration of the depths to which the Government were willing to go in order to buy support. They tried to buy the support of one particular mine-owner on the Rand. It was the most remarkable instance of its kind which had ever occurred in British policy. What were the facts? The Government proposed to give special recruiting facilities to one particular mine-owner. As soon as that had become known, other mine-owners on the Rand urged the Government to appoint a Commission to inquire into the whole subject. The Government refused. Then they gave a licence to this particular mine-owner, and the other mine-owners pointed out that in common fairness they should have the same privilege. "Oh, no," said the Government "we are now going to appoint a Commission to have the whole thing looked into. Until that Commission has reported no new licence will be granted." Everyone knew what it meant. It meant that another preference was given to a particular mine-owner. It meant an amount of money put into the pocket of that mine-owner which it was impossible to imagine, and all taken out of the pockets of the other mine-owners of the Rand. Then followed the sequel. The Government had to put pressure upon the Portuguese Government to get this licence, but by this time the Portuguese Government had realised the utter unfairness of the proposal, and broke the agreement with the British Government, not in the letter but in the spirit. They said, "It is true that we have given the licence to a particular mine-owner virtually that he might come and recruit, but we will not allow him to recruit." This was a breach of an agreement which no self-respecting Government would have submitted to, but our Government submitted to it. Why? Because it was a transaction which could not bear the light of day, because they knew that they dared not, in the face of the world, bring the whole diplomatic pressure of the United Kingdom to bear upon any Government for what was practically a job in favour of Mr. J. B. Robinson. But that was not the only instance of trying to bury support. They gave to the Boers in the Transvaal a representation to which their numbers did not entitle them. What were the facts? His Majesty's Government sent out a Commission to inquire into this subject of representation, and everyone expected that the Report would be published, but it was not. The Boer Government said "Oh, it is all right; let bygones be bygones." The result was that the Boers got a representation to which their numbers did not entitle them, and the Government naturally thought that they had got their support for the repatriation of the Chinese. They found they were mistaken. They had to come to terms which were more reasonably appreciated by every human being. Votes would not do, but hard cash would. The next transaction was hard cash—£5,000,000 for the repatriation of 15,000 or 16,000 Chinese at the rate of £300 or £400 each. But did hon. Gentlemen opposite think they had got rid of them? When the 15,000 were gone there would still be almost as many as when the present Government came into office. If it took £5,000,000 to get rid of 15,000 or 16,000, it was a simple question of proportion how much it would take to get rid of the balance.

The Government had stuck at nothing to get other people to do their dirty work. In that respect they had left nothing undone. He was bound to say that in the policy they had carried out they had been fairly consistent. A few months ago Lord Milner said the policy of His Majesty's Government was not their own, but that it was forced upon them by the wild men who supported them. He did not agree with Lord Milner, because on this question the Government were the wild men. The Government and all their followers were in the same boat, because they were bound hand and foot by the misstatements they made during the election. They had no reason whatever to be afraid of their followers, because when it was a question of Party interests they could be trusted to be docile enough. Since the Chinese election was fought they had found out that at the very time the Government were denouncing slavery in the Transvaal from every platform, they were signing an Ordinance which from every point of view of morality and humanity was infinitely worse than the Chinese Ordinance. The wild men had been tame enough about the New Hebrides Convention, and now they found that a new subject had arisen in the treatment of British Indians in the Transvaal. One of the main grounds upon which Chinese labour was denounced as slavery was the finger print impressions as a proof of identity. That was denounced as being unfit except for criminals. Now the Government had adopted the procedure in regard to British Indians. Another ground upon which Chinese labour was denounced was that the Chinese were not allowed to hold property. That condition was now being applied to British Indians in the Transvaal.

*SIR CHARLES DILKE (Gloucestershire, Forest of Dean) said that he was strongly opposed to the proposal of the Government on different grounds from those urged by the last speaker. When he returned to the House just now the last speaker was quoting something he had said on one occasion against guaranteeing the loans of a self-governing Colony. There had been two instances of loans to self-governing Colonies since he had sat in Parliament, and one instance of a gift, and he had opposed them. The grounds for opposing this loan were infinitely stronger than the general grounds which applied to previous loans of this character, and he would try to meet the argument of the Chancellor of the Exchequer, which he was aware carried great weight with the House. The Chancellor of the Exchequer had appealed to the House on the ground that it was not right for hon. Members to interfere with the affairs of a self governing Colony, and he put aside as irrelevant the argument addressed to the House by the late Colonial Secretary as to native labour and the British Indian policy of the Transvaal Government. The right hon. Gentleman said that those questions could have no bearing upon his proposal because it was not for this Parliament to interfere in the affairs of a self-governing Colony. But the Government had reserved power to reject measures of that kind. They had already agreed to one measure passed by the Transvaal Government which they had protested against in the fiercest terms. This particular self-governing Colony stood in a wholly different position, because it was entirely different from any other of our self-governing Colonies. He admitted the force of the eloquent peroration of the right hon. Gentleman the Under-Secretary of State, in which he said that this loan was only the harbour charges of the great ship which was coming into port. He admitted that that was so, and it was a very special gift from that point of view. One of the great reductions claimed just now as making the Transvaal solid from the financial point of view was the enormous reduction to be made in the constabulary. What was the strength of the British Army there? What sums of money had they spent and were still spending upon building barracks in which to house the British troops who were doing not military but constabulary work? That fact showed the great difference between this case and the other self-governing Colonies which had been mentioned in the debate. Those who were against the war and the annexation, out of which all these evils had grown, welcomed the general language of the Under-Secretary, but that language fell short of proving the wisdom of granting this loan without securing, by friendly negotiation between equal Powers if they chose, a due regard for Imperial interests as well as for humanity which were not secured under this loan. The Chancellor of the Exchequer and the Under-Secretary for the Colonies had argued as if this was a mere question of humanity, on behalf of which they claimed to interfere. The questions involved were not mere questions of humanity. The position of the British Indians in the Transvaal was an Imperial interest of the first order. How could we hope to make our government popular with the people of India unless we gave our British Indian subjects the same rights in other parts of the Empire and made our rule acceptable to the vast majority of our subjects? Then the position of the natives in the Transvaal was not a Transvaal question; it was a South African as well as a labour question. In the scheme of federation the Transvaal could not act by itself; it must act with our concurrence, and we must take the definite step in bringing about the scheme of federation. A large portion of this money also was to be spent on the Delagoa Railway, thereby affecting not only the condition of the Transvaal, but also of Natal. It was therefore impossible to treat this question as one of internal administration affecting only Colonial affairs. He thought he had given to the House some reasons showing that they could not treat this question in a sort of water-tight compartment as a Transvaal question. The Chancellor of the Exchequer had deprecated prophecy, but the late Sir William Harcourt had prophesied the exact course of affairs now being revealed—the "Rake's Progress" in Transvaal finance, the mistaken calculations, the reduction of constabulary, the retention of the British garrison, and the relations affecting the natives and the British Indian subjects. All these warnings had now come true. The right hon. Gentleman in his speech only mentioned the natives once, but they were always brought in in the prophecies of Sir William Harcourt when these matters were discussed in the last Parliament. The right hon. Gentleman the member for West Birmingham made a pregnant speech on the whole of these subjects, except Chinese labour, to which he was opposed. In 1901, in answer to a question by himself, when he complained of the worsening of the conditions of the natives under the Transvaal administration, the right hon. Gentleman admitted that the laws relating to the natives were "cruel" and "unwise," and "pledged" himself that at "the earliest moment" revision of them should be undertaken. Yet those laws had gone steadily from bad to worse, and more rapidly since the present Transvaal Government came into power. If the laws were "cruel and unwise" then, they were more cruel and unwise now, not merely from the point of view of humanity, but from the point of view of labour and the Imperial interests of which he had spoken. At that time they expected to get improvement in the laws, and they were told to expect large sums of money towards the revenues of this country. There had been no improvement in the laws, and no money had had been received. On 4th July, Lord St. Aldwyn, then Sir M. Hicks Beach, speaking on the Loan Bill, said—

> "Almost every Member who has spoken has dwelt on the question of how much of the large debt, now amounting to £127,000,000, should be imposed on the Transvaal. I have expressed throughout my opinion that a considerable portion of the cost of this war should be imposed on the Transvaal."

He added that his view was a middle one between that of those who thought there was "illimitable wealth" in the mines and that of those who, like Sir William Harcourt, thought the revenue of the Transvaal would not be able to bear anything at all. On 14th April, 1902, Sir William Harcourt attacked the Milner expenditure on the Civil Service, pointing out that it was grossly extravagant, and not in proportion to the revenue of the Transvaal, and on the following day, in reply, Sir Michael Hicks Beach said the Transvaal was able to bear the entire cost of constabulary, the interest on the whole of the Kruger debts, and on the railways, and all the charges of civil administration. He

> "proposed to earmark certain sources of revenue and apply them to the service of some portion of the loans raised by us for the war."

He said that besides the £30,000,000—

> "subsequent additions would be made on the prospective increases of these sources of revenue."

The House would see how completely Sir William Harcourt's prediction had come true. How did matters stand now? It appeared from the Blue-book that the Transvaal was already making £350,000 a year direct from us, and now another £50,000 a year would be added. And yet, in spite of so large a contribution to the revenues of a self-governing Colony, we could not obtain decent conditions for British Indian subjects and for natives. The difficulties referred to in the Blue-book which had been laid before the House were also touched upon in the speech of the Treasurer of the Transvaal. In the Legislative Assembly on 12th July last, the Treasurer, in moving the second reading of the Guaranteed Loan Bill, said—

> "When the announcement was made in England that the Premier had succeeded in raising a loan of £5,000,000 upon the guarantee of the British Government, there happened to be in London at the same time one of the great generals of the great Progressive army, and that great general arranged that he should be interviewed by the Press. The sum and substance of that interview was that the great Progressive army was as dead as the dodo."

This question had been treated in the Transvaal as a party matter, and unfortunately it had been treated as a party matter to-night. He wished to do as little as he could to make it a party matter. He approached it from the point of view of national interest rather than of party prejudice, and he held that this degradation of the British Indians and of the natives was of far more importance than Chinese labour, because, while native labour in South Africa must be permanent, Chinese labour was merely temporary. In defending the new Letters Patent in December last, the Under-Secretary had expressed the hope that the Transvaal would come up to the Cape standard in its treatment of the native question. Did the right hon. Gentleman still believe that? He doubted whether the right hon. Gentleman would repeat that hope on that occasion. The Under-Secretary had stated that he believed that within a

> "few years there would be a movement in the direction of the admirable system which prevailed in Cape Colony."

The right hon. Gentleman, on 17th December last, said that the case of the British Indians was one on which he felt more strongly. Both were "used by us before the war." The Transvaal Boers would, he hoped, "become the trustees of freedom all over the world."

MR. CHURCHILL was understood to say that he was then defending the interests of small nationalities.

***SIR CHARLES DILKE** said there were other references to British Indians and the natives which contained that statement of the Under-Secretary's belief. The position since that time had greatly worsened. They had now before them Sir Godfrey Lagden's Report on Transvaal Native Affairs, as retiring Commissioner on the grant of responsible Government. He said—

> "Questions have been asked as to what Government has done for the natives. It has been urged that we have disarmed them and that they have been treated more harshly than formerly. It is true that they were disarmed . . . without the aid of a single white policeman. . . . What has appeared harsh may be that officers under the British Government are bound to carry out effectively the laws of the

> land. There is no doubt that they have done so. The police have been exceptionally keen and active. . . . The Pass Laws have been more rigorously administered than they were formerly. Defaulters in the matter of taxation . . . have been more speedily and effectively brought to book. This activity has given rise to native discontent and to unfair comparison. . . . The zeal of the officers of the law is a thing which the natives have got to get used to."

That was an admission that there was native discontent, and that it was caused by the facts stated. Under Crown Colony government we increased the taxes on the natives, and the higher rates had been continued. The Hon. Mr. Moor, Prime Minister of Natal, had stated that it was the increase of the taxation of the natives in the Transvaal which was the reason for the increase of the taxation in Natal.

We had based our government on the "white male" population. We had excluded all natives from participation in it. We had exacted in an increasing degree rent and labour in respect of what was called squatting on Crown Lands. On that question his hon. friend the Member for Dumfriesshire had carried on a correspondence with the Transvaal Government in which he thought the hon. Gentleman had got the best of the argument. Sir Godfrey Lagden in his Report on Transvaal Native Affairs, said—

> "My meetings with the natives followed closely upon the termination of the disturbances in Natal and Zululand. There is no doubt in my mind that these disturbances had a reflective action upon the natives of the Transvaal."

And he went on to say that—

> "In some quarters alarm was felt, but in no single instance did any tribes in this Colony commit any disloyal acts."

And he warned the responsible Government of the Transvaal that—

> "In some parts of South Africa native thought has taken a distinct shape."

Sir Godfrey Layden added that in the Cape there was a legitimate expression of that native thought as they had the franchise, but—

> "In the New Colonies it is not so; there is clearly a significant wave of thought which requires to be realised and recognised."

And he quoted the Report of the Commission on South African Native Affairs of 1904, commending their conclusions to the consideration of the Government. Now had anything been done in that direction by the Government? Had the Government done everything in their power, or had they washed their hands of the whole native question and the question of the position of our British Indian subjects in the Transvaal? Sir G. Lagden wound up this most important point by saying—

> "Under responsible Government where the party system obtains there is the risk of sudden changes, and this makes it more important that opportunities for the expression of native opinion should be afforded."

The Under-Secretary for the Colonies had tried to get rid of recent alarms because, he said, the Bills had been withdrawn, and the Chancellor of the Exchequer was impatient when it was pointed out that the objections to these Bills had not been met. Would they be sane men if they did not take account of what was happening in the Transvaal Legislature? He wished to speak with extreme reserve with reference to the introduction and withdrawal of those Bills. Here were Bills of first class importance in their bearing on Federation and the relations between the Transvaal and the Cape of which the Imperial Government knew nothing and which had been withdrawn. That, he thought, showed a want of cordiality in the relations between the Imperial and the Colonial Governments unless some other explanation could be given. When General Botha was over here he was interviewed by a deputation who took a keen interest in South African affairs, and they got the impression—since confirmed by General Botha himself—that although he was not in a position to improve the legislation on native affairs, yet the administration would be so handled as to make their condition easier than before. That policy did not seem to have prevailed. Not only had the administration of native affairs not been improved, but it had gone from bad to worse, and there had been attempted legislation, although part of the Bill had been withdrawn. It was inevitable that the relations with the natives should have been disturbed by the War. In our dealings with the Transvaal in its desire to obtain control of Swaziland, Boer sympathies might have been revealed in some quarters, but an appeal was made to the Transvaal to show such moderation, wisdom, and statesmanship on that question that the time might be looked forward to when Swaziland would be incorporated in the Transvaal. Those hopes had been checked by the recent policy of the Transvaal Government. Who could say which of the "sudden changes" prophesied by Sir G. Lagden might not touch them when they had a Bill introduced for providing liquor to the natives—a practice which had always been prohibited by universal consent in all parts of South Africa? Then as to the Native Administration of Justice Bill, a summary of it had been published in *The Times* and *Tribune*, but these summaries were quite different except in one part. He put a question on 8th August in the House and was informed on the 14th instant that that part of the Bill had been withdrawn. The Bill was published on 3rd August, and it seemed to him curious in the circumstances that the Government had not obtained the Bill by telegram.

MR. CHURCHILL said that a telegram was sent to Lord Selborne asking him to telegraph the Bill, but his answer was that it was impossible to telegraph so long and complicated a measure, but that the Bill was reasonable and fair.

*SIR CHARLES DILKE said he was surprised at that. The Bill was published in full in an *Extraordinary Gazette* on 3rd August, and it was on the faith of that that the telegrams were sent to *The Times* and the *Tribune*. He wondered that the officials in the Transvaal had waited for the Home Government to make inquiry instead of despatching at least a summary of so extraordinary a measure. The newspaper summaries agreed in this, that for the first time the Minister for Native Affairs was to have the power to remove any tribe or any native to any part of the Transvaal—that was, to have the power to break through all the native reserves and to break down their whole tribal system, and that at the moment when there had just been reported a disturbance of the natives in Natal and Zululand, that the conduct of the Transvaal natives had been admirable, and that there was an absolute necessity of giving reassurances to these natives. On the facts at present before the country he could not take the same view as Lord Selborne that the Bill was reasonable and fair. The right hon. Gentleman had said that the Governments of the Cape and Natal had both proposed Federation and the Home Government must wait; they "could not lead but must follow." The Imperial Government was dominant in South African native affairs inasmuch at they were responsible for by far the greater portion of South Africa. It was this Government which was responsible for that dreadful problem of a colour bar being established in regard to the franchise. In giving this guarantee, in forcing a close financial relation in the future between this country and the Transvaal just as previous guarantees were forced upon this House, no one could shut his eyes to the bearing the Transvaal finances would have on the Federation of the South African Colonies. Dr. Jameson, Prime Minister of the Cape, announced a short time ago—

> "We have not departed, nor do we intend to depart, from the principles enunciated by the late Cecil Rhodes and confirmed and acted upon by Lord Milner. You may rest assured that the present Cape Government will not consent to any scheme of Federation of which a condition is the sacrifice of the coloured people. Our efforts shall be directed to bring the other States up to the level of the Cape Colony in their policy, and not the Cape to go down to theirs."

The warning from the Cape concurred with that from Sir Godfrey Lagden who was our chosen representative, and the Government could not afford to neglect the grave advice which had been received from him.

MR. HAROLD COX (Preston) said his objection to this Bill was a very simple one, namely, that we should use the credit of this country for the purpose of assisting a Crown Colony which denied to our fellow countrymen in that colony the rights which were generally accorded to civilised men. He was referring to the treatment of British Indians. It was an old story with which the House was very familiar, and he thought that the vicious treatment by the Boers of the British Indians was part of our *casus* *belli* against the Transvaal. He did not wish to go into details, but he might quote the statement of Lord Lansdowne made in November, 1899, when he said—

> "Among the many misdeeds of the South African Republic I do not know any that fills me with more indignation than its treatment of these Indians."

The War had passed over South Africa, our authority had been established, and yet to-day the case of the British Indian was worse under our flag than it was under the flag of the Republic. He had in his hands testimony to this effect. A correspondent wrote to him that he noticed in this mail's report of the proceedings in the Transvaal Legislative Assembly of the 17th ultimo the following—

> "In reply to a question by Mr. Lindsay, the Colonial Secretary said: 'That in pre-War days several laws were passed regarding Asiatics, but they could never put these laws into force because as soon as they started to do so the British Government interfered. Now, of course, they were going to enforce the law properly. Once the coolies were out of the Transvaal, they would remain out of the Transvaal, which would be much less trouble."

That was sufficient evidence of the fact that the position of British Indians was worse under the British flag than it had been under the Boer flag. For this country to tolerate such a state of things was an act of national perfidy. What was the excuse of the British Government? They said: "We cannot interfere with a self-governing Colony." He would deal with that general proposition presently. But he submitted that in this case the excuse did not apply. Here we had a case in which we were asked for a loan of £5,000,000, and even in the case of a foreign state we could have made conditions. The Chancellor of the Exchequer said that there had been no bargain: that was just what he complained of. The request for the loan gave us a lever which the Government might have used if they had chosen to do so. It came to this, that we backed a Bill for £5,000,000 on behalf of the South African Colony, but what *quid pro quo* did we get? We were apparently going to get nothing back but the great auk's egg. This Bill was going to be backed by a Radical British Government in order to bolster up the failing economic situation in South Africa, but he objected to our going to the rescue of any bad economic system. It was no part of our business to provide money in order to mitigate economic depression in the Transvaal or elsewhere. The object of the Bill was to get the Transvaal out of its present economic crisis, and if we did that it was the duty of the Government when thus pledging our credit to insist upon conditions which would redeem our honour. They had preferred, however, to become partners in a piece of legislation which was an outrage upon English traditions and which inflicted a gross insult upon 300,000,000 of our fellow subjects. What was this legislation? In spite of Lord Selborne's profuse promises it left unredressed grievances of which Indians lawfully resident in the Transvaal complained. They could not own land, although the right hon. Member for St. George's, Hanover Square, and Lord Elgin had insisted that they ought to have the right to acquire property in the premises which they occupied for business purposes. Natives, however, could own land, but although Indians were classed as "natives" so that they might not get the franchise, they were classed as "non-natives" so that they might not own land. Both views could not be right, and yet His Majesty's Ministers had given their sanction to this legal absurdity. The Indians were denied the municipal franchise though they were large ratepayers; they were excluded from municipal tramcars and from certain trains. What was the excuse for this? It was said that they belonged to a different civilisation, but in India they were accustomed to the very rights which were denied them in South Africa. They had the right to own land, they had the right to move freely from place to place, and the right to ride in any train or tramcar that they chose. They were accustomed also to the use of the municipal franchise and to serving on legislative councils. For three generations they had been accustomed in India to the liberties denied them in the Transvaal. But now a new insult was conveyed by the Asiatic Law Amendment Act sanctioned this session, which required every British Indian over eight years of age to take out a certificate impressed with his ten digits. The Indian could be called upon at any time to produce his certificate by a policeman. When General Botha was over here he was interviewed by representatives of the Government, and in June last the Under-Secretary was asked whether General Botha gave any assurances in the course of conversation with the Government on this point. To that question the Under-Secretary replied—

> "He did give an assurance that, in regard to the regulations to be framed under the Asiatic Ordinance, he and his Government would endeavour to remove from the regulations some of the points on which they have been criticised. But any such changes had better be examined when they are made the subject of public statement in the Transvaal Legislature."

That answer was given on 6th June. On 18th June, in the Transvaal Parliament General Botha was asked by Sir George Farrar in reference to these promises—

> "What disabilities in the Act will be removed?"

And the answer of General Botha was

> "None."

He ventured to say that if General Botha thus played fast and loose with words His Majesty's Government were under no obligation to him. Lord Elgin had pooh-poohed the objections of the Indians and said that they were merely sentimental. But, he asked, "did sentiment count for nothing, and did man live by bread alone?" In the East poverty was still respected, and he would like to know what right Lord Elgin had, secure in liberties guaranteed to him by English law, to treat with contempt and to sneer at the sentiments of our Indian fellow-subjects?

MR. CHURCHILL said he was sure Lord Elgin never sneered at the sentiments of our Indian or Asiatic subjects. He had ruled over them for several years and had the greatest sympathy with them.

*MR. HAROLD COX said he apologised for the word "sneered," and willingly withdrew it, but he did think that the noble Lord had shown indifference in the matter. Many of the Indians to whom this Act applied were wealthy merchants. Their signature, even their word of mouth, was sufficient for transactions amounting to thousands of pounds. It was the wearer who knew where the shoe pinched. The men who had lived in the Transvaal for twenty years or more, and whose whole fortunes were bound up in it, were risking everything rather than submit to this humilation. He would like to call attention to the case of Mr. Ally, who addressed at least a hundred Members of the House and whose speeches created a most favourable impression. Mr. Ally was born in Mauritius but lived over forty years in South Africa. He was now leaving the Transvaal with his wife and children, and his mother, aged ninety-five years, rather than submit to this new legislation. There was on the part of the people of this class a unanimous movement of passive resistance to the action of the Transvaal Government. Even worse procedure was contemplated. The Transvaal Government had recently brought in a new Immigration Restriction Bill which gave power to the Government to expel from the country any persons who failed to comply with the provisions of the previous Act. Under this Bill responsible Indians, whose only crime was a sense of self-respect, were classed with pimps and procurers. They could be arrested without warrant, and after arrest the burden of proving that they were legally in the country or of proving their innocence was thrown upon them. Under this law Mr. Naoraji, Sir Mancherjee Bhownaggree, and Ranjit Singh, loyal and honoured subjects of the King, would be excluded from a portion of his dominions. That might not be a hardship to them, but it would be to those whose homes were in South Africa. He would like to refer to a Memorial sent in November, 1906, to Lord Elgin from five Indian students from South Africa, now studying in England. It ran—

> "We are all students from South Africa, four of us studying for the Bar, and one of us studying medicine. . . . We are all of us either born in or brought up in South Africa, and to us South Africa is more our home than India. Even our mother-tongue is English, our parents having brought us up to speak that language from our infancy. Three of us are Christians, one a Mohamedan, one a Hindu."

The Memorial went on to say that though they would obtain in England diplomas entitling them to exercise their professions in any part of the British Empire, they would not be able to avail themselves of that right in the Transvaal unless they succeeded in obtaining a permit to enter that Colony. This, if obtained, would have to be impressed with their ten digits, and they would have to produce it at any time on the demand of any policeman, who might march them off to the police-station to prove their identity, perhaps on their way to conduct a case in court. The Memorial concluded by appealing to Lord Elgin to consider the anxiety that such a proposal must engender in the minds of men—

> "Who have lived in England and breathed its free atmosphere and who are here being nurtured in the teachings of English writers whose very names are a watchword for liberty."

These men were thus treated solely because they were Indians. No such restrictions were imposed on any Europeans. The off-scourings of Southern Europe were freely admitted into the Transvaal. He noticed that the last immigration Bill made special provision for Yiddish, a language used by the Jews of Southern and Central Europe. It was certainly curious that the very persons against whom this House passed an Alien Immigration Bill a years ago were admitted into the Transvaal whilst our own subjects, cultivated, refined, and capable, were excluded. Another curious thing was that alien Indians were better treated than British Indians. He noticed a case recently of an Indian student whose home was at Delagoa Bay. After a visit to England this man wanted to return to Delagoa Bay via the Transvaal. Permission was refused and he went to Delagoa Bay by sea. He then applied for a temporary permit to visit Johannesburg and Pretoria. His application was treated as coming from a British Indian, and the permit was refused. But he was born in Portuguese India, so he next applied through the Portuguese Government and at once received permission. So that it came to this, in a British Colony it was an actual disability to be born under the British Flag. This was the situation which the Government tolerated, sanctioned, and endorsed. Yet they claimed to be the heirs of the Party which Mr. Gladstone once led. If he had been alive to-day the whole country would have wrung with his denunciation of this dishonour to our flag, of this betrayal of the principles on which the Empire was founded. What was their excuse? It was that they could not interfere with a self-governing Colony. His answer was that the Transvaal was not a self-governing Colony. It was an oligarchically governed Colony. The great majority of the people of that Colony had no voice in the government. We had endowed a minority of the population with the power to govern all the rest. His Majesty's Government recognised that it was not a truly self-governing Colony for they reserved to themselves in the Letters Patent the power of reviewing all Bills dealing with non-Europeans. The Government made that reservation and then refused to act upon it, so that the responsibility was really theirs. He went further and said that no Colony had a right to commit acts which were injurious to the welfare of the British Empire as a whole. In this connection he would like to draw a contrast between the United States of America and the British Empire. The position of a State in the American Union was very different to the position of a self-governing Colony. State rights in the UnitedStates were primary. That was to say, the separate Colonies, when they were fused together in one federation, took with them their original rights, whereas in the British Empire the powers of the Colonies were delegated by us. In the British Empire the first and last words rested with us, because it was we who maintained the force that defended the Empire. Towards the maintenance of that force the only element outside the United Kingdom which contributed was India, and it was well to remember that it was troops maintained on the Indian establishment which saved Natal from being overrun by the Boers. Indians in Natal also volunteered, but were not allowed to fight. They were allowed instead to act as bearers and risked their lives to save the wounded. Not only had we the right to enforce our will on the Transvaal, but we had the power. The Transvaal was absolutely dependent on our bounty

Mr. Harold Cox.

even for the maintenance of troops employed on ordinary police work in the Colony. The troops were wanted for the money they brought, and one of the promises extracted by General Botha was that the troops should not be removed without giving him due notice, because of their economic value. The Transvaal was a suppliant for our charity, and yet we were told we could not interfere with what they were doing with our subjects. The whites of the Transvaal were afraid of being overrun by coloured races. His answer to that was that South Africa was not a white man's country, not because the land was not suitable, but because white men would not do rough manual work there as they would in England, Canada, and Australia. The right hon. Member for West Birmingham, speaking on this subject last year, said—

> "I do not suppose anybody suggests that whites should be employed as labourers on Boer farms."

The Boers wanted blacks to work for them. Even if they were to get rid of the 13,000 Indians in the Transvaal they could not get rid of the million natives who made South Africa a black man's land. While the white population was stationary or declining, the black was increasing enormously, the reason being that whilst the whites were nearly all bachelors the blacks were very much married men. It would become more and more a black man's land, and the question we had to ask ourselves was whether in addition to the handful of whites we were to admit another handful of Indians into this black man's country. Why not? Indians would not go there if they were not required. They must obtain credit from the wholesale dealers, and they must find customers for their goods. As a matter of fact the Indians got credit more easily than the white traders and did a flourishing trade among the whites as well as the coloured races. The complaint against them was not that they were poor, but that they were successful. He had seen letters in which it was stated that these Indians dared to ride to their business in their own carriages. Colonel Stone, formerly District Commissioner in the Standerton district of the Transvaal, wrote to the *North American Review* in 1905 pointing out that the Indian traders were industrious, sober, and trustworthy, that they managed their business well, and treated their employees well. The white storekeepers, according to Colonel Stone, represented every European nationality down to the lowest type of Jew from South Eastern Europe. On the other side Mrs. St. Clair Stobart wrote in the *Fortnightly Review* this year in the interests of the white storekeeper. She admitted that in the large towns the white traders could hold their own, as in Calcutta where there were numbers of whites competing with Indians in storekeeping, in the courts, and as medical practitioners. But Mrs. Stobart said that we could not compete in the small towns. Boer customers required long credit, and therefore storekeepers must also do a cash business. But the British Indian was so patient in dealing with the Kaffirs that he got the business which would otherwise go to the white traders. The British Indian succeeded simply on his merits. The Indian succeeded because he was more patient and more courteous in dealing with the Kaffirs. Was it really contended that the superiority of the white race in South Africa depended upon reserving to white men, who might be Poles, or Greeks, or Levantines, the exclusive right to sell groceries or dry goods on cash terms to Kaffirs and on credit to Boers? Was it for this that 20,000 British lives had been laid down in South Africa, to give cash terms to the Kaffirs and not to the Boers? Was it for this that we had spent over £150,000,000? It was untrue to allege that the admission of the Indians meant the exclusion of the whites. The Under-Secretary for the Colonies some days ago had given figures on that point. He had told them that the Indians were first admitted into Natal in 1860, when the white population was 12,000, and the trade of the Colony was in a very bad way indeed. To-day the population of Natal was 95,000, and the Colony was doing remarkably well. And there was this striking fact, that though the Indians were engaged in skilled trades in Natal, the white artisan held his own as shown by the figures. The real basis of the supremacy of the whites depended on the superiority of the individual white worker. If that failed, supremacy disappeared. He spoke as a white man; he spoke as an Englishman. It was because he believed in his race, because he believed in his country, that he was opposed to these artificial barriers against other races and other nations. He held that competition developed our energy, and that in turn enabled us to maintain our supremacy. And of this, also, he was certain, that our dominion would not endure unless we made ourselves worthy of our responsibilities, by the justice of our rule, as well as the strength of our arms. Therefore, he appealed to the House to reject this Bill for bolstering up the credit of a Colony which under the shelter of the British flag insulted and oppressed British subjects.

MR. O'GRADY (Leeds, E.) said he quite agreed that the treatment of British Indians in South Africa was a disgrace to this country and to Parliament. On many occasions explicit assurances had been given to the British Indians resident in the Transvaal that we would protect them. In 1895, the right hon. Gentleman the Member for West Birmingham took a very strong stand against the South African Government and their treatment of the British Indians. On one occasion the Colonial Office actually vetoed a Bill in which the Natal Government had introduced an amending law so as to prevent British Indians from being put on the electoral roll. He thought the House would agree that this was strong action against the Colony in relation to their treatment of the British Indians. But on another occasion the right hon. Gentleman told the Boer Government frankly that he did not think they were doing what was right in excluding British Indians from the opportunity of doing a legitimate trade as legitimate business men. The whole grievance lay in this. In the first place, one of the main points that drove us to war with the Boer Republic was their treatment of the British Indians resident there. Under the old law of 1885 there were disabilities imposed by the Boer Republic on the British Indians, and time after time we made protests, with the result that the law became inoperative in many of its most stringent forms. What did they find? When peace was proclaimed, and when we constituted a Crown Colony of the late Boer Republic, some of the most stringent provisions of the law of 1885 were revived and imposed on the British Indians resident in the South African Colonies, so that they were worse off under British rule than they were under the old Boer Government. Anyone who knew anything of the subject would readily understand how at a mass meeting the British Indians passed two sweeping resolutions. The first resolution respectfully urged the Legislative Council of the Transvaal not to pass the draft Asiatic Ordinance in view of the fact that—

> "(1) It is, so far as the Indian community of the Transvaal is concerned, a highly contentious measure; (2) it subjects the British Indian community of the Transvaal to degradation and insult totally undeserved by its past history; (3) the present machinery is sufficient for checking the alleged influx of Asiatics; (4) the statements of the alleged influx are denied by the British Indian community; (5) if the honourable House is not satisfied with the denial, this meeting invites open, judicial, and British inquiry into the question of the alleged influx."

The second resolution requested the local government and the Imperial authorities to withdraw the draft ordinance for these reasons—

> "(1) It is manifestly in conflict with the past declarations of His Majesty's representatives; (2) it recognises no distinction between British and alien Asiatics; (3) it reduces British Indians to a *status* lower than that of the aboriginal race of South Africa and coloured people; (4) it renders the position of British Indians in the Transvaal much worse than under Law 3 of 1885, and, therefore, than under the Boer *régime*; (5) it sets up a system of passes and espionage unknown in any other British territory; (6) it brands the communities to which it is applied as criminals or suspects; (7) the alleged influx of unauthorised British Indians in the Transvaal is denied; (8) if such a denial is not accepted, a judicial, open, and British inquiry should be instituted before such drastic and uncalled for legislation is enforced; (9) the measure is otherwise un-British, and unduly restricts the liberty of inoffensive British subjects, and constitutes a compulsory invitation to British Indians in the Transvaal to leave the country; (10) the meeting further and specially requests the right hon. the Secretary of State for the Colonies and the right hon. the Secretary of State for India to extend the Royal sanction and receive a deputation on behalf of the British Indian community of the Transvaal in connection with the draft ordinance."

Subsequently a deputation was appointed to wait upon Lord Elgin, who, apparently having made up his mind on the question, frankly told the deputation, which was accompanied by several Members of Parliament, that he did not think he could do anything in the matter. But in spite of the strong statements and requests sent over by Lord Selborne in repeated despatches that the British Government would sanction a law that was attempted to be carried by the Legislative Council, Lord Elgin, let it be said to his credit, flatly refused to allow the ordinance to be carried in the Legislative Council until Letters Patent were granted for self-government in the Transvaal. One would have thought, from the action of Lord Elgin, that this Government and this Parliament would have certainly stiffened their back on this matter. But quite the contrary had been the result. When self-government was granted to the Transvaal, three or four laws were carried which had made the position much worse for the British Indians, who belonged to a civilisation older than our own, who could not be classed with the Kaffirs or Zulus, and who were most capable men, orderly, sober, and industrious. It was these men, British subjects, who were deprived of civil, social, and economic rights. When a man was deprived of those rights, he was a slave. They could not get away from that fact. These British Indian merchants were not allowed to trade in the ordinary way; they were watched by policemen, and chevied in every direction. For the life of him he could not understand why they should start self-government in this Colony by imposing disabilities of that kind upon British subjects. Not only that, they got the colour line drawn. Anyone who knew anything of that subject was aware that there was a great deal of difference between British Indian subjects and the ordinary Kaffir or Zulu. Personally, he did not believe in the colour line at all. He admitted that there were differences existing in the Colonies which might induce people to take a different view, but his point was that the colour line ought not to apply in any way to British Indian subjects in the Transvaal and generally over the South African Colonies. There seemed to be a conspiracy, a kind of compact among the South African Colonies, to come to some agreement to make this colour line relating to British Indians uniform over the whole of South Africa. In view of the strong action taken by the right hon. Gentleman the Member for West Birmingham, and in view of pledges made on public platforms up and down the country, he could not understand why they should let slip the power of bargaining in behalf of our British Indian fellow-subjects. He thought the position taken up in South Africa on this subject was largely taken up by the Jew, the Russian, and the German, many of whom could not speak English. They were the people who were trying to force the hand of the Transvaal Government and other South African Governments to take up this attitude against Indian subjects. The real reason had been voiced by Lord Selborne himself. Not long ago he (Mr. O'Grady) asked a question in this House as to whether it was the intention of the British Government to protect British Indian subjects from the disabilities imposed on them by the late Transvaal Republic. The reply he received indicated the reason for the opposition taken to the British Indians in the Transvaal, and it showed clearly the quarter from which the pressure had come which induced Lord Selborne to take the action which he took. The reply was that the Asiatic law secured an improvement in the position of Asiatics in South Africa, and at the same time allayed the dread of a large increase in Asiatics. The whole question was one of trade jealousy. Let them take as an example his own union in London. Every German and French workman who came over into this country transferred to their union. If they could not hold their own in trade against other nations they ought to get a better knowledge of the trade. The scourgings of Europe went over to these Colonies and set up little bucket shops, and the Indian subjects who had helped to build up the prosperity of the Colony itself, and played such an important part in the War as loyal subjects, found that these men were able to undersell them. Why were the British Indians oppressed in this way? Simply because they were more sober and more industrious and better men of business. The Chancellor of the Exchequer said that the Government had reserved to themselves certain powers with regard to legislation carried by the Colonies which the Government could exercise if that legislation was of a wrong character. They had permitted three Acts of legislation last year which imposed disabilities upon our Indian subjects in the Transvaal, disabilities which, to him, would be absolutely intolerable. He wished to utter a strong protest against the action of the Imperial Government in allowing pressure to be put upon the Colonial Government to carry Acts of that kind. He hoped the Amendment would be pressed to a division, and although he did not agree with it in its entirety and wanted to see the loan guaranteed, yet upon the single point of the way in which they were treating their Indian fellow-subjects he should vote against the Government.

SIR J. DICKSON-POYNDER (Wiltshire, Chippenham) said there was a great deal of force in the remarks which had been made by the hon. Member who had just sat down, the right hon. Baronet the Member for the Forest of Dean, and the hon. Member for Preston in bringing before the House the question of the treatment of British Indians in the Transvaal. At the same time it did not appear to him that there was any direct connection between the treatment of the British Indians in the Transvaal and the subject matter before the House, which was the guaranteeing of the loan of £5,000,000 to the Transvaal. If the complaints were justified it was the duty of the Home Government to see that the Colonial Government secured proper treatment for all the black races under their control in the manner which had been laid down by the Government of this country. The Bill before the House had no direct bearing on the treatment of British Indians, and it appeared to him that there was full justification on the part of the Government for asking the House to consent to the Bill which had been introduced by his right hon. friend that afternoon. We had spent millions of money in South Africa in recent years, and there had been violent controversies as to the expenditure of that money. It must be the desire of everyone that the Transvaal should emerge at as early a date as possible from the state of hopeless oppression in which it now stood, owing largely to the events of recent years. It would be a short-sighted policy if in order to maintain certain ideals as regarded Imperial doctrine they refused to help the Transvaal in guaranteeing this loan because it was now a self-governing Colony, when by helping them they would be able to place the Colony in a satisfactory condition, and to a certain extent do something towards justifying the immense sums of money which had been spent upon that country in the past. The chief reason why he expressed his approval of the loan was that part of it was going to be devoted to land settlement in South Africa. He regretted that that question had not been specifically included in the Bill, but he took it that the statement of the Under-Secretary for the Colonies was made upon full authority, and that they could rely upon the fact that when the loan was raised there would be £85,000 specifically allocated to the Land Board. In his opinion there was no sum of money which would be spent for better purposes. There was no department in South Africa to-day where money was more urgently needed than to help the settlers. The 600 settlers in the Transvaal were in many instances in a most precarious and distressed condition. This was due to several causes, and from all the reports he had been able to obtain they were causes over which the settlers themselves had very little control. There had been bad seasons, and the crops had been disastrous; there had also been abnormal ravages of locusts and diseases, which had caused great depression and largely contributed to the diminution of the earnings of the land settlers. In addition to these natural disabilities, which were all the more severe from the fact that they had come in the early days of their settlement, there were other causes for which the settlers were not themselves responsible. It had been proved that in a large majority of instances the land which had been allocated to the settlers was considerably over-valued, and consequently the instalments to be paid had been abnormally high. This might have been due to natural causes at the time, and to the fact that there was a very small amount of land and a large number of applicants. To a large extent it was due to the fact that those who valued the land did not possess that skilled advice which was necessary. In addition to all these things the settlers had to work in the early years of their occupation under severe conditions imposed upon them by Ordinance, and they had been obliged in the first few years to build houses for themselves. Something like £49,000 had been expended in permanent improvements amongst the settlers, and only something like 25 per cent. had been refunded by the Government through the Land Board. This had gone a long way towards crippling the settlers, because every penny they should have been able to place in the land and invest in stock had had to be allocated to purposes of permanent improvement. Probably one of the most useful purposes to which the £85,000 could be placed in the early days would be the temporary relief of settlers. They had spent £39,000 on the permanent improvement of their holdings, and that might be allowed to stand as part of the capital charge on the holdings to be paid off over a period of years. The House generally would agree that the money should be spent on the most urgently needed purposes. He asked to what extent the Home Government would have control over the Land Board in regard to the disposal and allocation of the money placed in their hands. Would the Land Board be able to dispose of the money on their own responsibility, or would they have to come into communication with the Colonial Office in order to get sanction for the way the money was to be spent? No statement had been made on that important point by his right hon. friend. It would undoubtedly have been to the advantage of the settlers in the early days if agricultural banks had been established. Had that been done a great deal of the difficulty which they had had to face would have been obviated. He hoped that the money which was to be devoted to the establishment of agricultural banks would be placed fairly and impartially at the disposal of all classes of the community, whether British or Boers. This branch of the subject was not controversial. He was sure he expressed the general view of the House when he said they all rejoiced that a portion of the money had been definitely devoted to the help of our own settlers in the Colony. There was a sum of £500,000 properly due to the Land Board, but he supposed it would now be placed at the disposal of the settlers, and, therefore, they must be thankful for the small mercies which had been granted. If the next two or three years were tided over by the generous treatment of the settlers, there was no reason why they should not be able to prosper. In supporting the loan he desired to express his warm satisfaction that the British agriculturists in the Transvaal had not been forgotten.

VISCOUNT TURNOUR (Sussex, Horsham) said he and his friends on that side of the House rather regretted that the debate had tended to go on the narrow question of Indian immigration in the Transvaal. At the same time it was impossible to deny that the hon. Member for Preston and the hon. Member for East Leeds had a strong case against the Government. It would be grossly unfair not to recognise that the question of the British Indians in the Transvaal was one of great delicacy and difficulty, and he regretted that no mention appeared to have been made of that subject at the time the loan was arranged. The Under-Secretary had offered no justification of the policy of the Transvaal Government in regard to this matter. He hoped the right hon. Gentleman would deal with the subject, because there was a strong feeling in this country, and largely not of a party character, that the policy in regard to British Indians in the Transvaal was one to be viewed with great apprehension. It was remarkable that the new Government of the Transvaal should have passed so many Acts in so short a time affecting British Indians and the natives. The new laws were retrograde and repugnant to the feelings of a great many people in this country. While that was important, he thought it was undesirable that the main principle involved in this Bill should be lost sight of. The main question involved had been largely ignored by the Under-Secretary and by the Chancellor of the Exchequer. A great deal of suspicion had been aroused by the action of the Government in connection with the new Transvaal loan. Peculiar methods had been adopted in proceeding with it. If the Government had approached the question by a broad open road, possibly their action would have been less open to criticism, but, instead of doing that, they had approached it by the most devious by-road they could find. Throughout the Government had been as reticent and strategic as it was possible for them to be. On his side of the House hon. Members were led to inquire the reason for the secretiveness and the unusual diplomacy on the part of the Under-Secretary. It was easy to see why the Government and the right hon. Gentleman had adopted this attitude. It was because they were in reality attempting to wash out the dirty foot-marks of the last election. They knew perfectly well that the reasons for proposing to guarantee this loan were reasons which they could not publicly avow. One of the most remarkable things about the debate was that the Government had been constantly charged with having practically made a bargain with the Government of the Transvaal for the exclusion of the Chinese, and that they had never once denied it. They had denied that a bargain existed on paper, but it had never been urged from his side of the House that the bargain was committed to paper. The right hon. Gentleman was far too astute a politician to do anything of the sort. The fact remained that it had never been denied that the issue of the loan was part of a compact. Perhaps in that connection one of the most useful contributions made to the debate was that of the hon. Member for Preston, who mentioned a conversation he had had with a certain gentleman who was sent out by the right hon. Gentleman to investigate the labour conditions, and on whose evidence a great deal of misapprehension which prevailed at the last election was based. This debate would not have been in vain if it served to bring home to the people of this country the way in which the Government had acted from the commencement of the Chinese labour controversy in 1903. The most remarkable thing about it was that as time went on they endeavoured to make things worse, by every day making attacks on the motives and political morality of those who preceded them. He did not blame hon. Gentlemen below the gangway on both sides of the House, for wishing to get rid of Chinese labour in South Africa. The objections which they had always felt to Chinese and coolie labour were perfectly legitimate and straightforward—because it was cheap, in spite of their assurance that the white workmen of this country did not fear competition with Chinese and coolie labour anywhere. He did not say that they represented the feeling of the majority of Gentlemen on their own side of the House both above and below the gangway, some of whom were not altogether free from the taint of having in one capacity or another, as shareholders or as principals in companies, employed cheap Chinese and coolie labour. That might be a matter of the past, but it could not be denied that hon. Gentlemen opposite had a very real reason to say that Chinese labour should be removed from South Africa. The Labour, Independent Labour, and Socialist Parties made the principal plank in their platform at the general election opposition to Chinese labour and so-called Chinese slavery in South Africa, and so successful was it that the Liberal Party did not scruple to make use of it. The reason for proposing this Bill was perfectly easy to understand. The Government saw that it would be the easiest way to get rid of Chinese labour in the shortest possible time. He thought that the Government might have found a better way of getting rid of it if they had been more straightforward. At any rate, they could not have been less straightforward than they had been in this instance. He was surprised that hon. Gentlemen opposite should vote for this Bill, when so few details had been given as to the methods by which the money was to be spent. He was sure that a great number of them must feel some sympathy with British subjects who went out to the Transvaal to be civil servants at the time of the war, and for whom no provision was made in the Bill to prevent their being harshly treated by the Transvaal Government. There was a moral obligation on Parliament to say that these men should not be harshly treated, but that they should be recompensed if their services were dispensed with. Those who went out to South Africa as civil servants thought their situation would be permanent, and not one of them believed that he would be thrown overboard by the Transvaal Government. Now that this loan was to be granted he maintained that it would be a crying scandal and injustice if these men, after having studied South African affairs for the best years of their life, were to be dismissed from their situations. It showed the hurried way in which the Government had dealt with this matter, that they had introduced the Bill without mentioning the case of these civil servants.

Mr. CHURCHILL said that as far as their resources went, and without giving any pledge, the Government would endeavour to mitigate the hardships involved; but it was admitted that there were too many civil servants and that they were too highly paid.

Viscount TURNOUR said that if there were too many civil servants, he was entirely at one with the right hon. Gentleman in thinking that it was desirable, so far, as possible, to cut down their number; but every effort should be made to give them compensation or a pension.

Mr. CHURCHILL said there was nothing in the conditions of their original engagement that they were to have pensions or compensation.

Viscount TURNOUR emphatically maintained that this country was under a moral obligation to make some provision for them. The right hon. Gentleman had sufficient knowledge of the world to admit that if a man went out to South Africa, and took his family with him, he believed that his home there would be more or less permanent, and he made all his arrangements accordingly. To deprive him, therefore, of adequate compensation if his services were dispensed with was doing him the greatest possible harm. It was evidence of how small moment the right hon. Gentleman regarded this question that he had not mentioned it in moving the Second Reading of the Bill.

Mr. CHURCHILL said he had fully admitted that cases of individual hardship would occur, and that the Government were anxious to do something, if it were in their power, to mitigate that hardship.

Viscount TURNOUR said he wished that that assurance had been given more prominence, or that something had been put into the Bill to make proper provision for these faithful civil servants in South Africa. There was a sum of money in this Loan Bill for the improvement of agriculture in the Transvaal. That opened a very wide question indeed. It was said that an agricultural bank was going to be established; if so, they were pledging themselves to rehabilitate the whole industry of agriculture in South Africa, but he believed that the sum mentioned in the Bill would not be nearly enough to set agriculture in the Transvaal on a satisfactory footing. He also believed that the sum allotted for land settlement was insufficient. It was said that the farmers in the Transvaal were reduced to live on mealies, which was the staple food of the Kaffirs, and it was to be hoped that the establishment of a land bank would be followed by better food for the farmers than mealies. Were they to understand that in granting this loan for the establishment of a land bank, this country was pledging itself to continue to give money to the Transvaal until the agricultural interest was put on a satisfactory footing? A friend of his, a large owner of land, who had taken an important part in life in the Transvaal, thought the agricultural depression would increase, and that three or four years would elapse before the industry recovered. It was possible that this money would be spent in the Transvaal to very little purpose, and it was quite conceivable that the Colony might demand more money, and they might have to ask for another loan to assist country districts. All these points had been ignored by the right hon.

Gentleman, and they had also been lost sight of in the much bigger purpose which lay behind the reasons which had induced the Government to grant the loan. That was abundantly clear from the attitude of the Government, not only in what they had said, but in what they had left unsaid as to their reasons for the loan. The Party opposite was not ordinarily desirous of assisting the Colonies, and this sudden desire to lend a large sum of money to the Transvaal could only be explained by one reason, and that was that it was the only means of concealing the inaccuracy of their statements at the last election. He was rather glad that the Bill was going to be passed that evening, because he thought the people of this country were coming more and more to see the real object of the Party opposite. And when it was passed, the Bill would remain for a generation at least, as a monument of the hypocrisy and duplicity of the Radical Party at the last general election.

*MR. MALLET (Plymouth) having observed that the speech of the hon. Member for Dulwich was the most unhappy in argument and the most deplorable in tone that he had ever listened to in that House, said that those Members on that side of the House who thought strongly on the question of the British Indians ought to press on the Government that the time had now come when they might take advantage of this loan—of this act of generosity towards a new Colony, of which he thoroughly approved—to stipulate for the better treatment of British subjects, and to ask that at any rate in these new rising Colonies they should not be treated worse by us than they were by the Boers. Of course, the question was full of difficulties from beginning to end. It was easy to understand that a small group of white settlers were anxious not to increase the coloured races round them, though one a little distrusted that sentiment when one found the commercial leaders of this new community going out of their way at the same time to import into their midst a large number of yellow men. Still the prejudice against colour was inevitably strong, and it was only men like President Roosevelt who had the grit and the wisdom to fight against it. He would like to see our governors and ministers in the Colonies do the same.

SIR GILBERT PARKER: They have not the power.

*MR. MALLET said he admitted that it was difficult; but more might be done, and he would like to see the effort made. They all remembered proclamations issued by this country in which it was said that there should be no distinction in regard to treatment by reason of race or colour; but against that they had now the confession of Lord Milner that it would be not only impossible to put the blacks on an equality with the whites but "in principle wrong." *Civis Romanus sum* had quite gone out of fashion; and in its place another Latin tag, *nimium ne crede colori*—"do not trust the coloured man too far"—had become apparently the motto of an Empire nearly nine-tenths of whose citizens were coloured men. For these reasons it was all the more necessary to take effective steps, whenever, as now, an opportunity offered, to preserve to British Indians in the Transvaal such a minimum of liberty and equal treatment as the strongest representations on our part could secure. It was common ground that before the War the restrictions put upon British Indians were very vexatious, and Lord Lansdowne had said that he thought that the Boer treatment of British Indians was one of the worst features of their government. Since the War, however, the conditions in regard to British Indians had become worse. The Colonial Office was not to blame for this, but as soon as the War was over the British rulers of the Transvaal had in fact made the restrictions on the British Indians more drastic than before. The strongest illustration of this occurred a short time ago, when the Supreme Court declared that the old Boer regulations were contrary to law, and when Lord Milner immediately applied for the reimposition of those regulations, which the Courts had just condemned. Surely they were not going too far if they took their stand on Mr. Lyttelton's despatches, and urged the Government, while making this loan to the new Colony, to insist upon the grant to British Indians of the very guarded and limited liberties claimed for them by Mr. Lyttelton's despatch of July, 1904. He would ask the Under-Secretary whether it was not possible even now to make representations to the Transvaal, upon three points at least. One was immigration. If our Empire had any corporate existence, if the Party opposite who had devoted themselves to Imperial unity had any practical scheme of Imperial unity beyond taxing bread and mutton and butter and cheese, we should long ago have laid it down as a condition of Imperial citizenship that a British citizen should be at liberty to go anywhere and live anywhere in the British Empire without pass or permit, certificate or tax. But he admitted that was an ideal which we could not attain at present. We could not stop the Transvaal from preventing the immigration of undesirable settlers; but surely we could, at the last hour even, insist that the Immigration Laws of the Transvaal Government should not be made the pretext for exacting a poll tax from British citizens, or for insisting upon certificates and registration and thumb marks and all the processes of Scotland Yard. Secondly, as regarded locations, we must admit the right of the Colonies to locate and segregate any Asiatics that came into the Colony on the ground of health and sanitation, but we had a right to insist that these locations should be established on that ground alone. We would have no ghettos for British subjects in a British Colony which we enfranchised and endowed; least of all, ghettos imposed at the demand, not of the white population as a whole, but of a small body of local, polyglot traders, themselves dominated, controlled, financed by, and principally composed of Jews. The people of this country were not asking too much when they asked that the British Indian should be free, wherever his personal habits justified that freedom, to live and move and trade without restriction in any part of the dominions of the Crown. The third and last point which he would submit was this, that British Indians in the Transvaal should be allowed to own and acquire land for all the ordinary purposes of life. The Indians were the best cultivators of garden produce, and in this Colony garden produce was exorbitantly dear; but quite apart from that they should be allowed to acquire land on the wider ground that they were British subjects. When we were making, and wisely making, this generous grant to a young Colony already labouring under a great debt of gratitude to us, it was surely reasonable to ask at the same time that British subjects in it should be fairly treated, if the rights and obligations of Empire were to have any meaning at all.

*THE EARL OF **RONALDSHAY** (Middlesex, Hornsey) said that as during a great part of the afternoon he had been sitting in a Grand Committee he had not had the advantage of hearing the speeches made in the course of the debate; he therefore hoped the House would permit him to outline the views which led him to the decision to oppose this Bill and support the Amendment of his right hon. friend. The procedure of the Government in this matter was scarcely calculated to attract the support of hon. Members who were something more than a mere mechanical contrivance for registering the will of the Governmental oligarchy. At the fag end of a long session the House were asked to give their assent to a measure which would have the effect of further depreciating the national stock of the country, and which, if passed into law, would create a precedent of far-reaching importance upon the whole question of the obligations of the Mother-country from a financial point of view towards the self-governing Colonies of the Empire. By those who had not heard the speeches made there was only one obvious inference to be drawn. To what were they to attribute this apparently gratuitous, wholly unexpected, and certainly invidious example of Colonial preference? The action of right hon. Gentlemen at the Colonial Conference was not such as to lead anyone to expect from the Government any great generosity of this kind towards a particular part of the Empire. Was this particular grant to be a single isolated example of the benevolence of the Chancellor of the Exchequer, or was the right hon. Gentleman going to be ready on any future occasion with a grant to meet the needs which any one of the self-governing Colonies might put forward. If this was to be an isolated example, then why this favouritism to this particular Colony? The obvious inference drawn by a large majority outside the House was that the Government had been actuated largely by a desire to carry out their somewhat belated promises made at the time of the general election. He looked at this question largely from the point of view not only of people who lived in this country itself, but of English subjects who lived elsewhere. A short time ago when in China he was horrified to find he was confronted with all those infamous cartoons and statements, pictures of Chinamen in chains and being tortured by English employers, which had found their way from the Radical Press of this country to China, where the letterpress had been translated into Chinese type, and were being used by Chinese agitators for stirring up that race hatred, always too near the surface, against Englishmen trading in that country. He had experienced what it was to feel that indefinable latent antagonism of the yellow race against the white, which was under provocation always ready to burst forth in a flood of passionate fanaticism and hatred. He knew the danger of these cartoons being scattered broadcast among people like the Chinese, and he realised how great must be the desire of the Government to do anything they could to consign to a salutary oblivion all their procedure in the last election. Englishmen in China would inevitably come to the conclusion from this extraordinary and surprising offer to guarantee a loan to the Transvaal that the Government had made a bargain with the Government of the Transvaal for the repatriation of a certain number of the Chinese. He would be sorry if any Government in this country were accused of entering into such a bargain, as they would be accused all over the world, and, therefore, he should vote against the Bill.

*COLONEL SEELY said that if the noble Lord had heard the speeches which he admitted he had not, he had no doubt in his own mind that he would have voted the other way. If he had been in the House he would have heard it stated from the Treasury Bench with emphasis that there was not a word or particle of truth in the statement that this was the result of a bargain. The opposition to the Bill, which was of the utmost importance, was based on four grounds. It was alleged that the Government of this country had made a bargain to get rid of Chinese labour; secondly, that we had not made a bargain to get rid of the restrictions imposed upon Indians; thirdly, that there was no precedent for it; and, fourthly, that there was no proper security for the money. With regard to the first two, they were mutually destructive. No bargain had been made in either case, because, to speak quite plainly, no bargain was possible. No bargain was possible with regard to Chinese labour, because the people of the Transvaal were pledged, and their Government were pledged even more deeply than this Government, to repatriate the Chinese. Supposing that General Botha had wished to make a bargain elsewhere by which he could have retained the Chinese in return for better terms from other sources, he would have been utterly precluded from so doing by the pledges he had made before the elections, and that were forced upon him by his supporters—although they had reason to know that it was his own view also. It had been said that the programme of General Botha was repatriation and replacement. ["Hear, hear."] He noticed that the hon. Gentleman cheered that statement as being his last hope in the matter. But surely the hon. Gentleman had not forgotten the speeches which General Botha had made before the election, in which he said—

> "Chinese labour must go; we will not have it. We will not have the Chinese either with indentures or without indentures."

Did the hon. Gentleman deny that those words were used? Were they plain enough? How could a man who was Prime Minister of the State, and who had made that statement, do anything other than send the Chinese away? It was impossible that he could do otherwise; there was no basis of argument. [AN HON. MEMBER: Replacement.] On the particular occasion to which he referred that was all that General Botha said. He was aware that the word "replacement" had been introduced since. There could be no doubt that General Botha had anxiously scanned the political and industrial future of the country of which he was Prime Minister, and all he had said was that he believed that labourers could be found to replace all the Chinese sent back to their country. Had he good reason for saying it? Did he not know, he who had lived in the country all his life, that if certain measures were taken there would be an ample supply of labour? And they had heard from the Under-Secretary that at this moment there was an immense supply of labour in South Africa. They were told that when prosperity came again, however, that this surplus of labour would cease to exist, that it was only temporary. That might or might not be; that was a matter for the future; the fact remained that at the critical moment, the moment that General Botha foresaw, there was an immense surplus of unskilled native labour. Therefore, he thought he might say that no bargain was made because no bargain could be made. He thought that General Botha's declaration, endorsed by the official declarations of both Het Volk and the Nationalist Parties, and endorsed by the Legislative Assembly by a majority of two to one, precluded them from doing anything else than send the Chinese back to their own country. It was just that those who fought these things, when they were in a minority and could hardly get a hearing, should now call attention to the fact that all they then said about the people of the Transvaal being opposed to Chinese labour had been proved to be right. They claimed in the words of the right hon. Gentleman the Member for West Birmingham, whose antipathy to this cursed experiment was pretty well known, that the principle should be laid down that Asiatic labour should not be introduced until the wishes of the Transvaal had been clearly ascertained. The right hon. Gentleman the Member for West Birmingham had spoken with justice and truth, and had his views been followed much of the evil which they deplored would never have occurred. There was no bargain. How could there be a bargain when the Transvaal on the one side was precluded from making a bargain? The Chinese labourers had got to go; the people of the Transvaal declared it; and the people of this country were still vehemently opposed to that Asiatic labour. Really, to hear hon. and right hon. Gentlemen opposite, one would say that they were like the Bourbons, and had learned nothing. Did they think that, because a few cartoons at the election were too severe, or had been proved in their opinion to be ill-founded, therefore the people of this country had changed their mind? No; the people of this country stuck to the principle that whoever went to a British Colony or came under the British flag should be free, and if they were not considered worthy to have freedom then they were not fit to come under the flag. The second point was that a bargain was not made about the British Indians. Here he thought they must make hon. Gentlemen opposite a present of the difficulties which existed. It was so; it was very unfortunate, but so the matter stood. It might be thought that we should have insisted before we granted self-government to the Transvaal that there should be no differentiation between British subjects, and that all who came under the flag should be free. That was the principle they sustained, but it could not be sustained together with the principles of self-government in Africa or in any Colony.

*MR. LYNCH (Yorks, W.R., Ripon), pointed out that it was expressly provided in the Letters Patent that a law imposing any disability upon persons not of European descent from which persons of European descent were exempt should be reserved for the Home Government.

*COLONEL SEELY said he was fully aware of the provision to which the hon. Member referred, but it was not quite so far-reaching as the hon. Gentleman thought. It was in fact perfectly possible for real distinctions to be made either here or elsewhere. Colonial opinion was so far divorced from British opinion on this matter that it was impossible to bring them together. If hon. Gentlemen would take the trouble to go through the Returns presented to Parliament they would see a number of cases in which the Colonies had proposed differential legislation and in which it had been vetoed by the

Crown, and again proposed with some Amendment and passed. Of course it was easy for us here, who were not threatened by the yellow peril or the black peril, and who had fewer aliens coming to this country than any other country except Norway or Portgual, to set up a high standard; whereas these people in the Colonies who came in contact with the people who were described as of "inferior race," and who, in many cases, were of inferior race, were bound to take a different view. But even making allowances for that, he deplored it; still, if, they were to adopt the principle of self-government at all, they must permit the Colonies to make some differentiation. They had done so in the past, and Liberal Governments had permitted them to do it, and to say that they would not grant this loan to the Transvaal because they did not come up completely to our standard, was, he thought, to carry the doctrine too far, because, if we meant to say that, we should have said it before we granted self-government at all. The difference between the Chinese and the Indian problems was complete. In the case of the British Indians in South Africa they were not subjected to the disabilities which caused the Chinese to be regarded in the eye of the British law as occupying a condition of servitude. They were not subjected to disabilities which in the opinion of legal authorities as laid down in our Courts condemned them to a position which was not permitted by the British law. The contract into which the Chinamen entered was legalised by the Ordinance, but otherwise it was such as the Courts would set aside. He knew that would not be denied. He had challenged the right hon. Gentleman the late Secretary for the Colonies again and again to deny that statement. Were it not so, there never would have been a Chinese Ordinance. The Ordinance was passed only to legalise that which by British law was illegal.

MR. LYTTELTON: The hon. Gentleman must not take it that I admit that.

*COLONEL SEELY: The right hon. Gentleman did not admit it. This was the first time during the controversy of three years that he had ever raised his voice in protest, and it was rather a belated protest. Again and again it had been asserted in that House, and it had been admitted on all hands that the object of the special legislation was to restrict the Chinese to a greater degree than would otherwise be permitted by law. In the case of the Indians this was not so. They were, it was true, subject to certain disabilities, but they were not so violently in conflict with British principles of liberty. It was impossible to make the bargain suggested in regard to the Chinese, and it was not done. It was also impossible to make the bargain in regard to the Indians, and that was not done. It had been said that there was no precedent for this proposal, and that good faith would not be kept. It was true that there was no precedent for the state of things they saw to-day in the Transvaal. Again and again this country had waged war, but never before so soon after annexing a country had they given it complete self-government.

SIR F. BANBURY: Hear, hear.

*COLONEL SEELY said the hon. Baronet who represented the City of London did not approve of granting self-government to the Transvaal so soon. He had said so all along and they admired his courage and consistency, but the vast majority of the people of this country did approve of it, and thought the granting of self-government was a wise and statesmanlike act. They were fortified in that view by the opinion of the right hon. Gentleman the Member for West Birmingham. He did not believe that because people were so recently in arms against us that they were more likely to break faith with us on that account. There were some people who believed that it would have been wiser to have maintained what was known as the Lyttelton constitution for another twenty years. [OPPOSITION cries of "No."] Then for how long?

SIR GILBERT PARKER: That depends on circumstances.

*COLONEL SEELY said the leaders of the Boer people who had been chosen to govern the country would be their security. The leaders of the Boer people, upon whom they depended for security of this loan, had been chosen in the hard school of a guerilla war; and as these leaders had been most constant and faithful in war they would, he felt sure, be constant and faithful to their pledged word in time of peace. He thought they could trust the Boer leaders to keep their pledged word. From the day the treaty of peace was signed not a shot had been fired, and the Boers had kept their pledge to the letter. There was another ground why it was wise to guarantee this loan if it was so necessary as they had been told that it was. The Chancellor of the Exchequer had said that it was necessary to continue the work which was begun by the £35,000,000 loan, and he thought the House would do well not to squabble over a small matter like this if it was going to be the means of bringing peace and contentment to a country which had been distracted so long.

SIR GILBERT PARKER said he did not intend to follow the line of argument adopted by the hon. and gallant Member who had just sat down. He had stated that the Boer people, led by General Botha, had from the first said that Chinese labour must go. He (Sir Gilbert Parker) was rather disposed to question that statement, but that was not so much the point at issue. The statement made by General Botha and General Smuts was that the Chinese should not go unless they were replaced by natives. General Botha's words were to the effect that to speak of the intention of his Party to send the Chinese out of the Transvaal without replacing them by natives was stupid and misleading. He was certain that that was his exact meaning. Behind that lay the whole gist of the arguments which had been advanced on both sides of the House as to whether there was any question of an arrangement, written or spoken, between General Botha and the representatives of His Majesty's Government. The Under-Secretary for the Colonies had appealed to hon. Members on the Opposition side to take a high stand and a high view and not to allow themselves to be affected by party considerations. That was a very appropriate attitude for the Minister bringing in such a Bill as this to take, but he thought he was quite justified in replying that the right hon. Gentleman himself was more to blame than anybody else if party spirit had been imported into the proceedings on this Bill. When speaking of the co-operation which the Treasurer of the Transvaal had urged upon the Progressive Opposition in the Transvaal Legislature the right hon. Gentleman had used language which would have excited to riot in most political assemblies. The right hon. Gentleman need not have said, for instance, that the constabulary represented control by force and that the Government were going to replace that with control by consent. Did the right hon. Gentleman suggest that the late Government and his own Government kept the constabulary for the purpose of holding down the people by force? Did the right hon. Gentleman imagine that the words in which he referred to the mineowners were calculated to inspire good feeling in this House? Personally, he came down to the debate with no feelings of antipathy to the Bill, although he had good reason to criticise it. The right hon. Gentleman asked: "Were powerful, hostile, financial interests to be allowed to prevent them getting this loan?" That was the kind of language used when a Minister was appealing for sympathy and co-operation to carry the Bill and when he was asking the Opposition to take the larger view! The Treasurer of the Transvaal Government had made a similar statement and the reply of Sir George Farrer was very similar. The names of those hon. Gentlemen could not be mentioned without jeers and sneers from the benches opposite. They had, however, to approach this matter from another standpoint. He did not wish to be personal or to use the *tu quoque* argument, but he thought that this question ought to be approached with reserve and care. He agreed in that, but the Government had made it impossible to deal with the Loan Bill without referring to the Chinese question and to the understanding which he and his friends believed existed between General Botha and the Government in relation to the repatriation of the Chinese. The Chancellor of the Exchequer in a reasonable and fair speech breathed good-will, but he omitted the most salient things in the whole of the Bill. There were only four things mentioned in the schedule—the Land Bank, agriculture and irrigation, land settlement, and railways. What enlightment did the right hon. Gentleman give in reference to those questions ? He gave no more, and he thought the right hon. Gentleman could give no more, than was given in the Transvaal Legislature, which was not much, and he expected them to vote on this Bill with the meagre information he had given to them. The right hon. Gentleman seemed to think that the finances of the Colony were satisfactory. That was not the opinion held by Mr. Hichens, the late Colonial Treasurer, or by Lord Selborne, or by Mr. Hull, the Chancellor of the Exchequer of the Transvaal. The position of the Transvaal at the present time gave no hope, so long as the policy of the Transvaal Government of deporting Chinese without natives to take their place was continued, of a satisfactory financial condition. Mr. Hull stated that the expenditure had exceeded the revenue by £97,000, and that public works had been stopped. They had been told that there was plenty of native labour, but if there was a surplus of native labour why had the public works been stopped ? It was stated that the depression was due to the public works and development works having been stopped in the Transvaal. There was not a particle of evidence that a supply of native labour would be got from Cape Colony, Basutoland, or anywhere else. According to Mr. Hull the depression was becoming deeper and deeper, and he stated that there was little hope of devising means for its removal. The plea as to the soundness of Transvaal finance ought not to weigh with the House in regard to this Bill. [AN HON. MEMBER: "Why not ?"] He had endeavoured to the best of his ability to state the reasons. No one would be more grateful than himself if the Government did something to make land settlement permanent in the Transvaal, but he wished to point out that they were being lured in connection with this proposal. They were asked to give their approval to this Bill because it provided £300,000 for land settlement and agricultural development. Had the House the slightest idea whether that money was to go for fresh settlers, or to cover new loans to Boer farmers ? There were debts amounting to £2,000,000 now due to the new Dutch Government, and naturally that Government would look with great sympathy upon their fellow countrymen in their distress. What he wanted to know was if the new loan to the Boer farmers was for their repatriation, and for the relief of distressed burghers. The right hon. Gentleman said that the loan would provide a sum, a portion of which would no doubt be applied to the relief of distressed settlers. He contended that they ought to oppose a Bill, the money derived from which was to go for the relief of Boers, who had been relieved in amount far beyond what had ever been dreamt of. £9,000,000 had been expended by the Land Settlement Board, and £2,000,000 were owing by the Board. Were the Government without a word of explanation going to have land settlement in the Transvaal which meant the putting down of British settlers so as to redress the balance of population between Boers and Britons, or were they going to relieve further the Boers who had had all the relief which ought to be given to them, at the expense of the British taxpayer ? The right hon. Gentleman had given the House no light on that subject. Would he or the Attorney-General tell the House why the schedule in the Bill was so limited ? Again, as to railways, there was only a vague statement of so much for railways, so much for land settlement, so much for irrigation. The right hon. Gentleman said that the Transvaal had entered into commitments under the Bill of 1903 which should be fulfilled. He agreed with him to this extent, if those commitments were required to be fulfilled at once. The Members of the Opposition in the Transvaal and a good many of the town Dutch said that this Bill ought not to have been introduced until there was some sign of restored prosperty. In 1903 the railway policy in the Transvaal was approved by all parties. Why ? Because there was prosperity in the Colony, and much as hon. Gentlemen opposite disliked Chinese labour, he ventured to say that the prosperity of the Transvaal in 1903–4–5 was due to the steady supply of labour. At the root of this whole business was the labour supply; and the development and progress had been stopped because there was uncertainty in the minds of every mine owner and mine manager as to the future. In 1904, Lord Milner said that his railway policy, with a steady supply of labour, would produce good results; and his point was that Lord Milner's policy justified itself with the prospects of a steady supply of labour. Nineteen railways had been started, and there was every belief that the prosperity would be continued, and that the commitments ought to be carried out. But he maintained that if these commitments were carried out now, it would only increase the burden on the Transvaal without giving any advantage to the trade and industry of the country apart from the mining industry itself. Had Lord Milner's policy been pursued and had the prosperity continued, not a single member of the Progressive Party in the Transvaal would have opposed this Bill. It would have been justified in the circumstances, but it was not justified now. When they remembered how the best mining stock was not speculative——

AN HON. MEMBER: It is all speculative.

SIR GILBERT PARKER said he supposed that the hon. Gentleman imagined that all stock was speculative. [Cries of "Yes."] Well, he knew hon. Gentlemen on the Ministerial side of the House who were interested in mines, and who would say that the mining industry of the Transvaal was not a gamble. [MINISTERIAL cries of "It is."] It was like every other industry. It paid so much for work and machinery, and it turned out every month of the year so much. To speak of those mines as a gamble was absurd. The mines themselves were not a gamble. [AN HON. MEMBER: "Every one of them."] He could not enter into a controversy with the hon. Gentleman, but he would repeat that in 1904 they were on the high way to prosperity in South Africa if there had been a full supply of labour for the mines—he did not care whether it was native or Chinese. Hon. Gentlemen should not attempt, for humanitarian or political reasons, to injure the mining industry in the Transvaal, and their action was absolutely unpatriotic and un-Imperial. He recognised the sincerity of hon. Members opposite with regard to the British Indians in the Transvaal, and with regard to their desire to get rid of the Chinese; but what he had always condemned was that they continued to misrepresent the facts of the Chinese in the Transvaal, and that, having gained power, they should pursue the policy of attempting to justify themselves by an anti-Chinese agitation, and bundling the Chinese out of the Transvaal without providing the labour to take their place. In spite of the speeches made that evening he ventured to say that no one in the House had really received any clear idea of the consequences which would follow from this Bill, nor had they had any clear expression of opinion of how it would effect the position in the Transvaal except that it would be all right. Did hon. Gentlemen opposite think General Botha or his Government were wholly justified in asking for this loan at the present time, the very worst time at which it could be asked—for a loan the proceeds of which would be spent chiefly on the agricultural population of the Transvaal, and the repayments of which would be made by the industrial population? The Government in his opinion had committed an error for which they would reap ultimate, if not immediate, punishment. The Bill was wholly unjustified in the circumstances. The time had not yet been reached for the repayment of the £30,000,000 loan; but he believed it would have been reached if a different Government had sat on the opposite Benches. The time would come when the wrong done to the people of this country, and to the British people in South Africa, would be brought home to the Ministers who now sat on the Treasury Bench, and when they would be turned out of office, not because of the Loan Bill, but because of the accumulated misdeeds which had alienated the country.

*SIR JOHN WALTON said that the hon. Member who had just sat down had said that if a Conservative Government had been in office the Transvaal would have been in a state of smiling prosperity. Another hon. Member, the hon. Member for Dulwich, had made the same prediction, and his specific for the evils of the Transvaal was that he and his friends should be allowed to cross the floor of the House. It was difficult to connect arguments of that kind with the very practical policy proposed by the Bill. The debate had touched every conceivable topic of Transvaal administration. The fact that we had not yet reached a satisfactory condition of administration in relation to the native Indians was no reason for opposing this Bill. There were other questions that had been put to the Government which it was difficult to deal with seriously. His right hon. friend the ex-Colonial Secretary had referred to the legal tone of an interruption he had made. He could return the compliment. Legal features marked the whole of the speech of the right hon. Gentleman. He had spoken with animation and with that flexible manipulation of fact which had always been associated with the brilliant rhetoric of the *nisi prius* Courts of which the right hon. Gentleman was once a distinguished ornament. They were told that the Bill was the exacted price that the Government had to pay owing to some unfortunate bargain into which they had entered in order to get rid of the Chinese. That was the substance of a large portion of the speech of the hon. Member for Dulwich, who explained what the extraordinary bargain was. He had, he said, no direct evidence of that bargain, but very strong circumstantial evidence of such a character that a prisoner charged on such evidence with a capital offence would inevitably be hanged. If the circumstantial evidence which had been adduced by the hon. Member against the Government was all that he had to rely upon, then it was time that the Court of Criminal Appeal was established. It seemed to be imagined that what occurred was this. The Colonial Secretary had said to General Botha: "We want to get rid of the Chinese; what are your terms?" "Five millions." "Done"; and that was alleged to be the principle of the bargain. What were the facts? Before the late election in the Transvaal, General Botha declared most definitely what was his policy as to the Chinese. It was plain that he anticipated that the natives would displace the Chinese, and he announced that it was the intention of the Transvaal Government, as the engagements of the Chinese expired, to send them back to China. It was not intended to break the law or violate the contracts. What was the policy of the Government? It was clear that as the Ordinance could not be terminated the contracts must continue, but at the same time it was declared most positively that as far as their influence extended the indentures of the Chinese would be closed as they expired. So that the policy of General Botha and the long-declared policy of the Government were identical; and in these circumstances the motive for a bargain never came into existence. The Government had conceded nothing, and the arrangement was the natural result of concurrent views on the part of the Transvaal Government on the one hand, and the Government at home on the other. And if, when the two parties concurred, the House was asked to sanction a loan, the whole idea of a bargain was displaced by the evidence. Hon. and right hon. Gentlemen on the other side had rather disparaged this proposal because it was preferential treatment. If there were preferential treatment no doubt it was for good and rational reasons, and why should it not exist? Was the loan of 1903 preferential or not? It was a very large loan, £35,000,000, made to the Transvaal for the development of that country. It was true that the Transvaal Government was not at that time a responsible Government in the sense that it was now, but still it was preferential treatment, because there were other Colonies to which we had never made loans in anything like a corresponding degree. The loan was made to the Transvaal at a time when, if they had not self-government, it had been provisionally promised, and when they were taking what was admitted to be a step in the direction of that goal. Therefore, if at that time the financial emergencies of the Transvaal appealed to the generous consideration of this country and that appeal met with that generous response, was it rational to say now that they were not going to increase that loan of £35,000,000 by £5,000,000 because they had cast upon the Colony the increased difficulties and burdens of self-government, though that was in contemplation three or four years ago, at the time the loan of £35,000,000 was granted? He trusted that this preferential treatment argument would be disregarded in connection with this proposal. There was one part of the speech of the right hon. Gentleman which he could not pass over without observation, he hoped not too severe—he referred to the right hon. Gentleman's animadversion or, more correctly, his purely gratuitous and highly offensive attack on the Transvaal Administration. The right hon. Gentleman referred in strong language, too strong language, to two acts of administration by General Botha's Government. The right hon. Gentleman said there were two scandalous proposals brought by General Botha before the Parliament in the Transvaal, which would have had at this moment the effect of law if it had not been for the action of His Majesty's Government in the interests of the Home Government.

MR. LYTTELTON said that he reserved his opinion entirely with regard to the second proposal, because full information was not obtainable. As to the first proposal, that relating to the introduction of liquor, he did say that that was scandalous, and he said it now. With regard to the other, His Majesty's Government had no right to withhold documents which had been in their possession since the 3rd of the present month, and then make it a grievance that the Opposition were unaware of their contents. There were certain reports in accredited newspapers which gave, he understood, a digest of this proposal. If those digests were correct, the proposal was a scandalous one. If they were not correct, and he entirely accepted the possibility that they were not correct, then he reserved his opinion until he saw the document itself.

*SIR JOHN WALTON said that it was not for a Member of the House, occupying the position of the right hon. Gentleman, to use such language in regard to a self-governing colony until he had had an opportunity of acquainting himself with the facts. The point was not whether the right hon. Gentleman had had all the information which he required. The point was that the right hon. Gentleman's words would be telegraphed to the Transvaal, and those words would wound the feelings of the statesmen who were charged with the administration of that country in the difficult circumstances in which they found themselves. Therefore he felt it his duty, having ascertained to some extent the facts, to point out what the two matters were and how they stood. The first charge was with regard to the Liquor Bill. He did not say whether it was a wise or an unwise measure, but to describe it as scandalous, and to impute moral obliquity in some way, was utterly unwarranted by the facts. The natives in the mines had been allowed what was called Kaffir beer, and the Kaffirs had learned enough of the qualities of beer to know that there was better beer brewed than Kaffir beer, and the result had been the establishment of an enormous illicit business with which the mine owners and the authorities were unable in any way to cope. It was suggested that there should be drastic measures to put down this trade, and to allow the natives the means of being supplied with a very mild, cheap, and pure form of ale. That proposal they were told was scandalous. He did not say whether it was right or wrong, but it was not scandalous. Hitherto in regard to cases tried by the native tribunals, there had been access by way of appeal to the Native Commissioners, and it was now proposed that there should be access to the Supreme Court, and that these appeals should go to that High Court instead of to the Commissioners. The present administration had provided a freer and clearer access to the High Court, and had ensured that the appeals should come before a tribunal more capable of dealing with them. He had stated the true character of the proposals, and he repeated that the right hon. Gentleman should have made himself acquainted with the facts connected with the policy of the Transvaal before he used language of that kind.

MR. LYTTELTON said the two Bills, one of which was in favour of temperance had been withdrawn.

*SIR JOHN WALTON said he had described the Bill, whether it was withdrawn or not. The fact that a Bill was withdrawn did not mean that it would not bear public criticism, because Bills were withdrawn here for various reasons; and therefore the right hon. Gentleman's rash and random and wild denunciation in the dark of the Transvaal Government's proposals was not justified by the facts. The right hon. Gentleman had furnished them with a new view of Chinese labour, and he thanked him most cordially for it. They had heard that Chinese labour was denounced for the purpose of influencing English opinion during the general election. That was the common view, and it was cheered by hon. Gentlemen opposite. The late Colonial Secretary however appeared to have grown out of that era of opinion and conviction, and he had lifted his head into a new atmosphere. He had told the House that the Government had denounced the Chinese as slaves with a view to frighten them out of South Africa. He said the Government had resorted to intimidation by maligning the Chinese and representing that they were not fit to live with civilised men. The right hon. Gentleman proceeded to argue that as this policy of terror had failed because the Government had found the skin of the Chinamen was thicker than they anticipated, they had next tried to bribe the Transvaal by offering them this loan. That was the kind of rhetoric which the right hon. Gentleman indulged in, but he thought the number of hon. Members who would attach any serious weight to such arguments would be very few indeed. He would like to say a word or two with regard to the main reason why this Bill should be accepted. Even those who had been the most critical in regard to this policy had been most trustful of the political character of the members of the present Government of the Transvaal. The members of the Transvaal Government, certainly General Botha and others, were men who won high respect in the late war. They were men whom this country respected for the way they did their duty to their own country when they were fighting its battles. Having won their respect he asked the House whether there was any reason why they should not transform that respect into a feeling of trust? Was there any reason to believe that the men who had proved so faithful and true to their own country would be entirely false in their professions of loyalty and patriotism in regard to this country?

MR. AUSTEN CHAMBERLAIN (Worcestershire, E.): I have listened to all the speeches made in this debate, and I have only heard two speeches which have given any support to the proposals of His Majesty's Government. The hon. Baronet the Member for the Chippenham Division supports this guarantee of a loan of £5,000,000 because out of it there is a hope that some £85,000 will be utilised for land settlement. Surely that is a very shadowy ground for committing this country to the expenditure of £5,000,000. The hon. and gallant Member for the Abercromby Division gave to the Government that whole-hearted support which he is accustomed to offer them whenever they are in trouble about Chinese labour. I think the hon. and gallant Member feels a certain amount of legitimate pride that on this point his past reputation is beyond all cavilling, and that he may permit himself to take a course of procedure which would be rather delicate for those who were more liable to suspicion than himself. With the exception of the two speeches I have alluded to we have not heard a word in support of this Bill except from the Government. Is it not a remarkable thing that the hon. and learned Gentleman who has just replied to the debate has not said a word in regard to the serious representations made by speaker after speaker upon all sides of the House? I really do not know why the hon. and learned Gentleman intervened, because his observations have been wholly directed to the speech of the Colonial Secretary, who was replied to earlier in the debate by the Chancellor of the Exchequer. I can only suppose that the reason was that the Attorney-General felt the weakness of the Chancellor of the Exchequer's arguments so much that he could not let the matter rest there. I am sorry that I cannot congratulate him on the success of his effort. The Attorney-

General, with a certain amount of caricature, alluded to the arguments of my right hon. friend and others, but he has failed to meet them and has left them unrefuted. [Cries of "Divide."] I shall not detain the House many minutes, and I will make my remarks as briefly as I can. I object to the purpose of this Bill. I also object to its matter, and to the security and the position in which the whole transaction places this House and the country. The Chancellor of the Exchequer appears to think that he has answered the criticisms of my right hon. friend when he states that he never said that the whole of this £5,000,000 would be issued at once, or at one time. The statement made on behalf of the Government was that they had agreed to guarantee a loan of £5,000,000, and that statement was made without any qualification that it was intended to issue this loan in small instalments. The time chosen for that, was, perhaps, the worst that any Minister has voluntarily chosen for the issue of a new loan. If the right hon. Gentleman knew at the time that the announcement was made that the money would not be required now, and if he had already formed the intention of not now issuing the loan, I think he was culpably negligent in not at once taking the House and the country into his confidence. I do not think that the right hon. Gentleman knew anything of the kind, or that he had made up his mind. I think he thought that he could get £5,000,000 easily, and it was only when face to face with the City and the disastrous effects of the announcement he had made that he modified his intentions, and that weeks afterwards he made a statement which was intended to be, and was, so far as it went, of a reassuring character. As to the manner in which the loan itself has been proposed I would say that this is a Government that prides itself on nothing more than on its management of financial affairs and on the jealous care with which it guards the financial resources of the country and carries out its financial responsibilities. When in Opposition the Members of the Government and of the Party opposite were never weary of complaining of the late Government and their supporters for voting away money with insufficient information; and without due consideration of the burdens that might be inflicted on the taxpayers. What would have been said if we had produced a Loan Bill for £5,000,000 with information as meagre, and without either the Government or the House having power to watch over the expenditure of the money, as is done in the case of the present Bill? I think we have a right to complain of the meagreness of the information circulated in the Paper on the finances of the Colony. My right hon. friend has already expressed the view that we ought to have been put in possession of the speech of the Colonial Treasurer on the Budget, which has a most direct bearing on the advisability of issuing any loan of this kind at the present time. When that Gentleman introduced the Loan Bill he professed to give some information as to how the money would be spent, but when the Minister was questioned he frankly declined to bind himself in any way as to the allocation of the money. He claimed on behalf of the Government the right to vary at least half of the sum as they thought fit. I quite understand that that would be satisfactory to the Transvaal Legislative Assembly. They control the expenditure, and they can watch over it from day to day, and if the Government spend it in ways that they do not approve, and if objects that they think important are sacrificed in order that more money may be given to others, they call Ministers to account, and stop the evil. We are not in the same position. When we pass the Bill we part with all control over the expenditure, and we have nothing in the Bill which binds Ministers to carry out the scheme which is put forward as the object of the loan, and which is the reason for our guaranteeing it. In regard to the security, I have to say in the first place that if the Chancellor of the Exchequer's rosy assurances as to the satisfactory position of the Transvaal are correct, I cannot see why we should guarantee the loan for them at all. If they are in a position to show that with wise economy, and with ordinary good administration, they are able to meet all their liabilities, why are we called in to guarantee a loan?

The fact of the matter is that they are not in a position to show that. It is all prospective and all speculative, and the assurance they can give of their ability to pay is not sufficient for those who, when asked to lend, only demand that they shall have sufficient security forthcoming for the money. But that is not all. The Chancellor of the Exchequer, in order to show that large reductions of expenditure are easily within the reach of the Transvaal Government, singled out as the largest subject of retrenchment the South African Constabulary. The reduction on the South African Constabulary would mean a saving on the police charge, while the whole of the military force is still maintained in the country. It is, in other words, saving a charge which is local in order to transfer the burden to shoulders which are Imperial. The only reason why the Army is maintained in South Africa at the present figure is in order to enable this reduction to be made in the Constabulary, and in order that soldiers may do work that ought to be done by the police. Does that not follow from the impassioned references of the Under-Secretary for the Colonies to this matter ? He said, "Naturally you could do with a smaller force in a country which was governing itself, which was loyal to the nation which gave it self-government, than you could in a country which was being held down against its will by force of arms." But that is not a reason for reducing the police force ; it is a reason for reducing the occupying Army. If that reduction can be made, it ought to be made in the military force in the Transvaal so that the taxpayers here would get the relief which they will get immediately a portion of the garrison can be brought home from the expensive conditions under which they are maintained in South Africa to the less expensive conditions under which they can live here. May I say a few words in regard to the position of British Indians in South Africa and our action on that question ? This question is one of the utmost gravity. I do not suppose that anyone of the few Members who listened to the speech of the hon. Member for Preston did so without being moved by the story he told us as to the hardships to which our Indian fellow subjects were compelled to submit in the Transvaal. I suppose that if it rested with us to change these conditions we would gladly do so ; but I do not think it fair or candid not to admit that if we were in the same position as our European fellow-subjects in the Transvaal we should not share the prejudices which they have in regard to coloured labour. The hon. and gallant Member for the Abercromby Division said in the course of his observations that the principle on which he and his friends took their stand was that whoever came into a British Colony should come in free or not at all. He may take his stand upon it, but if he attempted to carry it out in practice it would carry him off his feet. Do let us get rid of cant of that kind. I do not know on what principle we ought to take our stand, if we are unable to enforce it. The hon. and gallant Member himself admitted that this principle could not be maintained in any self-governing Colony.

COLONEL SEELY said he had given the very same reason which the right hon. Gentleman gave as to why they could not enforce it, though he admitted it was rather hard on those who held the principle.

MR. AUSTEN CHAMBERLAIN : No, you cannot enforce that principle, and every man who has been Secretary of State for the Colonies asknowledges that. I warn the House with the utmost solemnity that this is one of the most dangerous questions that can be touched, and if there are attempts to interfere and enforce a principle where we have neither power nor authority to do so, it will lead to disaster. You cannot enforce a principle which you would otherwise like to see applied against the universal public feeling of our fellow-subjects in a self-governing Colony.

COLONEL SEELY : Keep on trying.

MR. AUSTEN CHAMBERLAIN : The hon. and gallant Gentleman says that you can keep on trying and making representations and sometimes there may be an opportunity of making some of your representations effective ; and he asks, "Why have not the Government made them?" I do not think it is possible once self-government was granted to the Transvaal to lay down restrictions to legislation in that country. But my contention is that the Imperial Government might have used its power to protect those British Indian subjects who were already there settled. They might have used it above all at a time when they were giving financial aid to the Colony, and have seen that under their administration things did not go back. That the Imperial Government might have done, but did not do.

MR. MARKHAM (Nottinghamshire, Mansfield) said that during the time the late Government was in power this question was raised again and again, but they did nothing at all.

MR. AUSTEN CHAMBERLAIN: When the hon. Member makes an interruption he might at least take the trouble to be accurate. On the present occasion he is not only disorderly, but inaccurate. The Imperial Government might have made some use of the fact that they were conferring on the Transvaal a boon which the Transvaal had no reason to expect and no right to demand, to make very serious representations on the subject. I am not quite certain that they would have been successful in having all these restrictions removed. I am sure that the Colony would have been likely to say: "We will give up your guarantee, but keep our position." They might, however, have secured that our British coloured subjects should be better treated or at least treated as well as foreigners who came into the country. If the Government had been one-tenth as anxious to help our British-Indian fellow subjects as they were to get rid of the Chinese, they could have secured some concessions. I say again that this is a subject of the utmost difficulty and delicacy, fraught with the gravest dangers to the relations between this country and the self-governing Colonies. When you are establishing self-government, you cannot see how far that free government may go. It is one of my objections to a Bill of this kind that it brings subjects of this nature on to the floor of our House; that it brings us into connection with self-governing colonies whose legislation we do not approve or dislike, and makes us share in the responsibility which ought to rest wholly and solely on the local government. I will say no more on that point, but pass to the connection of this loan with Chinese labour. What other reason is there for making it? The attempt to find a precedent for it has been practically beyond the Chancellor of the Exchequer and the Under-Secretary for the Colonies. The right hon. Gentleman stated things which he said were precedents, and which he said were simple, but he did not attempt to prove them. The last was more than a generation ago, and related to a condition of things between a self-governing Colony and ourselves, which was entirely different from the condition of things to-day. The Chancellor of the Exchequer said that this was not a preference, because no other Colony had objected; of course they would not object. But what they would resent would be if one day or other, when they were in need of money, they came to ask for a grant of a loan, and the Government refused to do for them what they are doing for the Transvaal. The Government are making it difficult for any Government that has to deal with such a circumstance whenever it arises. There is no part of this Bill, apart from the getting rid of Chinese labour, which would not be applicable to any other Colony who asked for assistance. Apart from the question of Chinese labour there is no reason, no precedent, no excuse for the Bill. The hon. and learned Gentleman was very indignant that any suggestion should be made that there was a bargain between the Home Government and General Botha. I do not say there was a bargain.

MR. ASQUITH: There was no bargain.

MR. AUSTEN CHAMBERLAIN: The Chancellor of the Exchequer seems to attach great importance to the words. I do not care about words. I care about facts, and the facts are these, that there was a marked change in the attitude of General Botha towards this country during the time he was over here. So far as the rest of my case is concerned, I rest on the admissions of the Under-Secretary for the Colonies. The right hon. Gentleman said the Government were in a grave position and face to face with a most difficult situation; that they had determined to get rid of the Chinese, and they had been obliged to enforce a labour policy on the people of the Transvaal. They were determined to get rid of Chinese labour, not for any benefit to the Transvaal, but in order to fulfil their election pledges, and it is justified by what the hon. and learned Gentleman calls flexible manipulation of facts, by what the Under-Secretary describes as terminological inexactitudes, but what people in the country call by a shorter and more ugly name. In order to do this they had to enforce a labour policy. You do not "enforce" a policy where people are anxious to adopt that policy. Having enforced this policy on the local government, the Home Government in order to allay the bitterness created, have to give a sop in return for their needless and unnecessary interference.

*Mr. CHURCHILL: Mr. Speaker, this debate is now over, and in a few minutes we shall divide. May I avail myself of the right of the Government to have the last word before the House comes to a decision? I do not know that I have ever had the honour to put a Motion before this House in the merits of which I felt greater confidence. I am quite prepared to admit that the course of this debate at times has been affected by cross-currents. We have had two opposite streams directed against our policy. Extremes meet in this matter, for I doubt if in the whole school of political life in this country two gentlemen could be found more opposite in their views than my hon. friend the Member for Preston and the hon. Member for Dulwich. Yet those two hon. Members agree in resisting the Government from diametrically opposite points of view. The hon. Member for Preston criticises us because he is anxious that the Indians in the Transvaal shall get proper treatment; the hon. Member for Dulwich because he is annoyed at the fact that the Chinese are not to go on having improper treatment.

Mr. Austen Chamberlain.

Mr. BONAR LAW: I am sorry to interrupt the right hon. Gentleman, but what I desire is not that the Chinese shall get improper treatment, but that the Government shall get proper treatment.

*Mr. CHURCHILL: To those two attacks I would ask the House for a moment to turn their attention. First of all, there is the very grave question of the Indians and the native policy, and I can very fairly share the views embodied in the speeches of hon. Gentlemen speaking below the gangway on that question. But the Asiatic law was an Act not designed to make the life of the resident Indian in the Transvaal intolerable, but to prevent the influx of non-resident Indians. When the war began the Indians in the Transvaal left the country, and after it was over they came back and with them a large and indefinite number who said they had been in the country before. That influx produced intense anxiety among the white population. I admit frankly that there is a large part of this legislation which we on this side of the House do not like. As to the criticism which this Bill has received in this House in regard to the rights of the Indian subjects of the Crown, I will remind the House as to what our policy is in regard to our Asiatic and Indian fellow subjects in the Transvaal. I say we ought to go very far and work very patiently and work long and insist upon those who are there getting fair and decent treatment. But on the other hand I must assert the right of such a Colony as the Transvaal, upon which self-government has been conferred, to protect itself against Asiatic labour. Asiatic labour has become much more fluid of late years than it was before, and the great labour markets of the world are liable to an influx of that labour. If, however, 100,000 Asiatics were to invade this country, there is not a trade union here who would not demand that measures should be taken to protect our standards of life and wages, and we must recognise the conditions in the Transvaal. My right hon. friend the Member for the Forest of Dean has been very severe upon the course which we have pursued, but I really do not see to what conclusion my right hon. friend would lead us. He was strongly in favour of the grant of representative government to the Transvaal, and was strongly in favour of everything which made for a democratic settlement. My right hon. friend is opposed to the loan. He would withdraw the garrison from South Africa. He would have no nominated second Chamber. Yet he expects us to enforce views and opinions upon the white population to which they are unanimously opposed. I permit myself to ask how? It is quite true that before the war broke out we were able to bring great pressure to bear upon the Transvaal Government. Why? Because we were prepared to go to war with them and could even take the opportunity to pick a quarrel with them. It is the fact that this Government has more influence over a small State with which it is prepared to go to war than over a Colony which has been gathered within the folds of the British Empire. The Transvaal Government have withdrawn the Liquor Law which had been introduced—I do not know what its nature is—in deference to the opinion of a minority in the second Chamber. That fact does not weaken my confidence in the Transvaal Government; on the contrary, it shows that they are perfectly prepared to deal with enlightened opinion even it it is only that of a minority. We have heard a great deal about bargains, bribes, and illicit pressure. There was no sordid bargain on a money basis about the Chinese. But what is this doctrine of the hon. Member—of bargaining? A bargain about the Chinese is infamous, wicked, and vile: a bargain about Indians, or natives, or civil servants is noble, necessary, indispensable! We will try our very best to acquire influence with the Transvaal Government by making them feel that we are going to help them, to be their friends, and on the basis of that good will, which is growing, and watching our opportunities, we shall no doubt succeed in making them our friends and in procuring a great and sensible amelioration of the difficulties to which the hon. Member for Preston and others have referred. Let me say a word about the attack of the hon. Member for Dulwich, who, hon. and right hon. Gentlemen will be surprised to know, once occupied the responsible position of Parliamentary Secretary to the Board of Trade. I say that because I think the hon. Gentleman has not in the least assumed an air of responsibility in speaking about this measure. There is one feature in all the speeches made on this subject on that side of the House. The Transvaal Government no doubt is very wicked; they do not treat the natives properly; they do not make proper provisions for land settlers, and they forget all the other things they ought to do; but from whatever point of the compass the road starts, all the roads of argument which are followed lead to Pekin—they lead to the Chinese labour question alone, which is at the bottom of the opposition of the Party on the other side of the House. What authority have they to come forward and ask to guide the House in this? If we look back on the course of South African policy, even in the short time we have been in office and responsible for it, we find that they have been almost always wrong in every prediction they have made, in every attempt to judge the South African situation. I reminded the House to-day of some arguments they have used. They told us that the Transvaal could easily pay £30.000,000 as a contribution, and it is admitted now by themselves and by everybody on that bench that they were wholly wrong. They had informed us that the result of the introduction of Chinese labour into South Africa would be to bring great prosperity into that country. To-day they dwell on the lamentable condition of affairs there. Lord Milner formed the estimate that for every 10,000 Chinamen landed in South Africa, there would be employment for an extra 1,000 white men. I read out the other day statistics, which nobody can challenge, and which show that the proportion of white men to natives employed in the mines has been reduced, during the period since the introduction of Chinese labour, by nearly one-half of the original proportion, and by nearly one-third in reference to the amount of ore actually hoisted from the mine. When they plunged into political speculations as to Transvaal election their views were even more erroneous. They told us that the Progressive Party were the sole representatives of the British in South Africa. When it came to the election, the Progressives had not a majority even in Johannesberg; they did not poll an actual majority of our British community in South Africa. Lastly, they told us, and it was the hon. Gentleman the Member for Dulwich who distinguished himself in that matter, that the Boers, when they found themselves a great element in the new Government, instead of getting rid of the Chinese, would keep the system in full practice, because they were really strongly in favour of it. The right hon. Gentleman said, and I noted the passage very carefully—

> "They were paid for but not bought."

That is the kind of language which he uses habitually about honourable men—Well, the hon. Gentleman has made various charges and a great many gross and undesirable insinuations—insinuations for which we on this bench care nothing at all, for we know that we have got the country overwhelmingly with us, and we know the people will treat those attacks at their proper value, but which we regret very strongly when applied to a new Government and to men who have so strange and stormy a record in their association with the British power. Whether the hon. Gentleman referred to the licence we granted to Mr. Robinson, which I have justified to the House on several occasions; whether he referred to the constitutional settlement which has enabled the Progressives to get into the Parliament of the Transvaal with a smaller proportion of votes than any other class; whether he referred to the Loan Bill now before the House, his argument was always the same—it was a corrupt, base bribe to obtain the expulsion of the Chinese from South Africa. And the hon. Gentleman repeats that assertion. I say that it is wholly untrue and absolutely devoid of foundation, and, although no doubt the hon. Gentleman wishes to insult those who sit on these benches, the only result of his words is to make mischief, ill-feeling, and bad blood in the Colony. The right hon. Gentleman the Member for East Worcestershire said, in the course of his remarks, that this loan is the most objectionable form of Imperial preference. There is a great difference between the relations which he and others would establish with the Colonies in the system of preference. Our relations with the Transvaal will be founded on a spirit of sacrifice and not on profit-sharing. Our relations with the Transvaal will depend on services reciprocally rendered, and not on dividends eagerly grabbed, which is the policy of preference of which so many advocates are sitting opposite. Ours is a wise method of affording assistance to the Colony in a critical and difficult situation. I think that there are one or two Members of this House, if I may say so, who have rather short memories. I say there are those sitting on that bench who have long held important offices in the State, but who are quick to forget the tremendous issues and deep emotions of the South African War, and the enormous sacrifices which this country made at their recommendation and bidding. My hon. friend the Member for Preston on the other hand, has completely forgotten the agony, the suffering, and the ruin which the war brought to the Boer people. When they have accepted the constitutional settlement we have made, I do not think we should sneer and snarl at all their works. After all we must not forget that their country has been ruined and blackened by the scourge of military operations. There has been that terrible loss of life in the concentration camps which all our exertions could not prevent. It is a great wrench to men who love freedom and nationality to lose their own country and their independence. If all these things are borne in mind, and even if you throw in this Loan Bill, I am not so sure that we have a great deal to plume ourselves upon or that one should dilate upon the favours with which we have loaded the Boers. I believe it will be an enormous advantage to have this brave race against whom we fought so long included in the circle of the British Empire, and I regret to find that when they come forward and stretch out their hands to us they are rebuffed and snubbed, and insulted and jeered at by men who profess to be patriotic Englishmen. I think such conduct requires a strenuous protest from all who desire to see South Africa permanently united to the British Empire.

MR. MARKHAM (Nottinghamshire, Mansfield) said that when the right hon. Gentleman the Member for East Worcestershire was referring to the question of the British Indians in the Transvaal he ventured to remark, without in any way wishing to be disorderly, that when the late Government were in power they did absolutely nothing whatever to remedy the conditions under which British Indians lived in the Transvaal. The right hon. Gentleman contradicted that statement, and replied that he was ignorant of what he was speaking about. In 1896 and 1898 the right hon. Gentleman the Member for West Birmingham sent two despatches to the late Mr. Kruger. That sent in the year 1898 related solely to the question of the position of the British Indians in the Transvaal, and called the attention of Mr. Kruger to the fact that they were British subjects and were entitled under the Convention to full franchise rights. He would like to remind the right hon. Gentleman what his right hon. friend the Member for West Birmingham did four years after. Nothing had been done to give to British Indians a vote, and consequently the representative of British Indians in the Transvaal in 1903 wrote to the Government describing the position of British Indians under Lord Milner's administration as being worse than under the administration of the Boers. The right hon. Gentleman the Member for West Birmingham replied that the whole subject was under the consideration of the India Office and the Colonial Office. Therefore, he was right in stating that when the late Government of which the right hon. Gentleman the Member for East Worcestershire was a Member were in office, they did absolutely nothing to improve the position of British Indians in the Transvaal. He had always been in favour of the introduction of Chinese labour in South Africa, but if there was a sufficiency of native labour in South Africa which could be recruited, no one would rejoice more than himself if the Chinese were sent back. There was an abundance of native labour at the present time. He would remind the late Colonial Secretary that in defending the Chinese Ordinance drawn up by the last Administration, he stated distinctly that the Chinese were only imported into South Africa to meet a temporary difficulty. Surely the right hon. Gentleman would not now say that if there was a sufficiency of native labour there was any necessity for the Chinese to remain. He hoped the Government of the Transvaal would not be guided in this matter by the wishes and opinions of some hon. Members of this House, but would look at the question solely and wholly in the interests of the Transvaal itself. The last election was fought upon a wholly false cry. Having given the people of the Transvaal the rights of citizenship hon. Members had no right to come down to this House, finding fault with the acts of the Transvaal Government in times of difficulty. The Government of the Transvaal should be left to work out its own destiny, and if this House did not place restrictions on it that Government would yet accomplish a great work for South Africa, and would bring to the Transvaal peace and prosperity.

Question put.

The House divided:—Ayes, 199; Noes, 62. (Division List No. 432.)

AYES.

Acland, Francis Dyke
Adkins, W. Ryland D.
Ainsworth, John Stirling
Alden, Percy
Asquith, Rt. Hn. Herbert Henry
Baker, Sir John (Portsmouth)
Baker, Joseph A. (Finsbury, E.
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barnard, E. B.
Barnes, G. N.
Barry, Redmond J. (Tyrone, N.
Bell, Richard
Benn, W. (T'w'r Hamlets, S. Geo.
Berridge, T. H. D.
Bottomley, Horatio
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Brodie, H. C.
Brunner, J. F. L. (Lancs., Leigh)
Buchanan, Thomas Ryburn
Burns, Rt. Hon. John
Byles, William Pollard
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton, Rt Hn. Richard Knight
Chance, Frederick William
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Churchill, Rt. Hon. Winston S.
Cleland, J. W.
Clough, William
Clynes, J. R.
Collins, Stephen (Lambeth)
Collins, Sir Wm. J. (S. Pancras, W
Cooper, G. J.
Corbett, C. H. (Sussex, E. Grinst
Cowan, W. H.
Craig, Herbert J. (Tynemouth

Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Cullinan, J.
Curran, Peter Francis
Davies, Timothy (Fulham)
Dickson-Poynder, Sir John P.
Dobson, Thomas W.
Duckworth, James
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Ferguson, R. C. Munro
Ffrench, Peter
Findlay, Alexander
Fowler, Rt. Hon. Sir Henry
Fuller, John Michael F.
Gibb, James (Harrow)
Gill, A. H.
Gladstone, RtHn. Herbert John
Glover, Thomas
Goddard, Daniel Ford
Grant, Corrie
Greenwood, G. (Peterborough)
Grey, Rt. Hn. Sir Edward
Harvey, W.E.(Derbyshire, N.E
Haworth, Arthur A.
Hazelton, Richard
Hedges, A. Paget
Henderson, Arthur (Durham)
Henderson, J.M.(Aberdeen, W.)
Henry, Charles S.
Higham, John Sharp
Hobart, Sir Robert
Hobhouse, Charles E. H.
Holland, Sir William Henry
Holt, Richard Durning
Horniman, Emslie John
Howard, Hon. Geoffrey
Hyde, Clarendon
Illingworth, Percy H.
Isaacs, Rufus Daniel
Jenkins, J.
Johnson, W. (Nuneaton)
Jones, William (Carnarvonshire
Jowett, F. W.
Kearley, Hudson E.

Kelley, George D.
King, Alfred John (Knutsford)
Laidlaw, Robert
Lambert, George
Lamont, Norman
Lea, Hugh Cecil (St.Pancras, E.)
Leese, Sir Joseph F.(Accrington
Lehmann, R. C.
Lever, A.Levy (Essex, Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lough, Thomas
Lupton, Arnold
Lyell, Charles Henry
Mackarness, Frederic C.
Macnamara, Dr. Thomas J.
MacNeill, John Gordon Swift
MacVeagh, Jeremiah (Down, S.
M'Crae, George
M'Kenna, Rt. Hon. Reginald
M'Laren, H. D. (Stafford, W.)
Maddison, Frederick
Mallet, Charles E.
Manfield, Harry (Northants)
Markham, Arthur Basil
Marks, G. Croydon (Launceston
Marnham, F. J.
Mason, A. E. W. (Coventry)
Massie, J.
Menzies, Walter
Micklem, Nathaniel
Molteno, Percy Alport
Money, L. G. Chiozza
Montagu, E. S.
Morgan, G. Hay (Cornwall)
Morrell, Philip
Napier, T. B.
Nicholls, George
Nolan, Joseph
Norton, Capt. Cecil William
Nuttall, Harry
O'Connor, John (Kildare, N.)
O'Connor, T. P. (Liverpool)
Parker, James (Halifax)
Pearce, Robert (Staffs., Leek)
Pearson, Sir W. D. (Colchester)
Pearson, W.H.M. (Suffolk, Eye)
Pirie, Duncan V.
Price, C. E. (Edinb'gh, Central
Pullar, Sir Robert
Radford, G. H.
Rainy, A. Rolland
Rea, Russell (Gloucester)

Rea, Walter Russell (Scarboro'
Rees, J. D.
Richards, Thomas (W.Monm'th
Richards, T. F. (Wolverh'mpt'n
Rickett, J. Compton
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Roberts, John H. (Denbighs.)
Robertson, Sir G.Scott(Br'df'rd
Robertson, J. M. (Tyneside)
Rogers, F. E. Newman
Rowlands, J.
Runciman, Walter
Russell, T. W.
Samuel, Herbert L. (Cleveland)
Samuel, S. M. (Whitechapel)
Sears, J. E.
Seely, Colonel
Shaw, Rt. Hn. T. (Hawick B.)
Sherwell, Arthur James,
Shipman, Dr. John G.
Silcock, Thomas Ball
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Snowden, P.
Stanley, Hn. A. Lyulph (Chesh.)
Strachey, Sir Edward
Strauss, E. A. (Abingdon)
Summerbell, T.
Thompson, J.W.H (Somerset, E
Trevelyan, Charles Philips
Ure, Alexander
Verney, F. W.
Walters, John Tudor
Walton, Sir John L. (Leeds, S.)
Ward, John(Stoke-upon-Trent)
Wardle, George J.
Waterlow, D. S.
Weir, James Galloway
White, J. D. (Dumbartonshire)
Whitehead, Rowland
Whitley, John Henry (Halifax)
Wiles, Thomas
Williams, J. (Glamorgan)
Wills, Arthur Walters
Wilson, Henry J. (York, W.R.)
Wilson, John (Durham, Mid.)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Arkwright, John Stanhope
Ashley, W. W.
Aubrey-Fletcher, Rt. Hn. Sir H
Balcarres, Lord
Balfour, Rt Hn. A.J. (CityLond
Banbury, Sir Frederick George
Banner, John S. Harmood-
Barrie, H. T. (Londonderry, N
Beach, Hn. Michael Hugh Hicks
Bowles, G. Stewart
Boyle, Sir Edward
Bridgeman, W. Clive
Bull, Sir William James
Campbell, Rt. Hon. J. M. H.
Carlile, E. Hildred

Castlereagh, Viscount
Cave, George
Cavendish, Rt. Hn. Victor C.W.
Cecil, Lord John P. Joicey-
Cecil, Lord R. (Marylebone, E.)
Chamberlain, Rt Hn. J.A(Worc.
Chaplin, Rt. Hon. Henry
Cochrane, Hon. Thos. H. A. E.
Courthope, G. Loyd
Cox, Harold
Craig, Charles Curtis (Antrim, S.
Craik, Sir Henry
Dilke, Rt. Hon. Sir Charles
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey

Faber, George Denison (York)
Fell, Arthur
Fetherstonhaugh, Godfrey
Fiennes, Hon. Eustace
Fletcher, J. S.
Forster, Henry William
Gibbs, G. A. (Bristol, West)
Gretton, John
Harris, Frederick Leverton
Hay, Hon. Claude George
Hills, J. W.
Hunt, Rowland
Law, Andrew Bonar (Dulwich)
Long, Rt. Hn. Walter (Dublin, S)
Lowe, Sir Francis William

Lyttelton, Rt. Hon. Alfred
Magnus, Sir Philip
Nield, Herbert
OGrady, J.
Parker, Sir Gilbert (Gravesend)
Paulton, James Mellor
Pease,Herbert Pike (Darlingt'n
RawlinsonJohn Frederick Peel
Ridsdale, E. A.
Ronaldshay, Earl of
Salter, Arthur Clavell
Stanley,Hn. Arthur (Ormskirk)
Starkey, John R.
Talbot, Lord E. (Chichester)
Thomson,W. Mitchell-(Lanark
Turnour, Viscount
Younger, George

TELLERS FOR THE NOES—Sir Alexander Acland-Hood and Viscount Valenta.

Main Question put, and agreed to.

Bill read a second time.

Bill committed to a Committee of the Whole House for To-morrow (Tuesday).—(*Mr. Asquith.*)

CONSOLIDATED FUND (APPROPRIATION) BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

VISCOUNT TURNOUR said he wished to raise the question of the policy of the War Office as regarded the Piershill Barracks and the Tidworth Barracks. He had been partly induced to take this step by the attitude of the Secretary of State for War himself, who in spite of the public importance of these questions had done his best to obscure the issue and arouse prejudice. One might think the right hon. Gentleman was fearful lest the whole case was presented to the House and the public, and when one considered the different cases, which he might describe as scandalous, the right hon. Gentleman had very good reason for such alarm. First he would take the case of Piershill Barracks, the history of the policy in respect of which by this and other Governments was a somewhat long and complicated one. Piershill Barracks was one of those barracks of which, unfortunately, a large number existed, whose position and surroundings were not such as the War Office would now select if they were choosing a site. It had never been denied so far as he knew that the site in question was unsatisfactory. On one side, he understood, it had a railway station and on the other a sewage farm, and it would be hard to find a site more ill-adapted for a barracks. He did not blame the Secretary of State for War or the Government for the position of the barracks. Undoubtedly it was part of the general policy of successive Secretaries of State for War, and it was one of the gravest questions in connection with the administration of the department as to how barracks were to be adapted to modern requirements and whether barracks in unsuitable places, surrounded by unsatisfactory buildings in closely populated neighbourhoods, were to be disposed of. The Government had made out-of-date barracks worse than before by refusing to sanction any expenditure on barracks unless it came out of estimates. It was that action on the part of the Government last year which had made this particular question more difficult than it was before. Coming to the more modern history of Piershill, questions were addressed last year to the War Office, relative to the health of the troops quartered at Piershill and as to the sanitary state of the barracks. He thought the right hon. Gentleman would not disagree with him when he said that, though he would not say there was any exceptional disease in the barracks, or that the disease could be traced to the barracks, he yet admitted that the barracks were in an insanitary condition. That was the position in June and July of last year, but the right hon. Gentleman gave the House to understand that there was nothing to be alarmed at. Then, suddenly the War Office awoke to the fact that the barracks were not fit for cavalry, and so they were removed. It was necessary to deal with a matter which, though not strictly relevant to the question, was yet necessary to make out a case, and a good case, as he believed, against the Government. The right hon. Gentleman the other day, in answering a question, endeavoured, as he believed, quite incorrectly, to throw on that side of the House the onus of having got the Scots Greys removed from Piershill. The matter had aroused a good deal of interest and excitement in Scotland, and had been taken up by a very distinguished gentleman, a former Member of the Liberal Party. The Secretary of State for War, the other day, in the course of an answer, said, pointing to the right hon. Gentleman the Member for South Dublin, that it was at his request, and at the request of his friends sitting near him, that he removed the Scots Greys from Piershill. It was not a very fair statement. So far as he knew, there was no pressure from that side of the House to remove the Scots Greys from Piershill. They urged that the barracks should be put into a fair condition, or the cavalry removed. If the right hon. Gentleman was right in his statement that the Scots Greys were removed at the request of the Opposition, all he could say was that it reflected very little credit on the Government that they should allow a cavalry regiment to remain five years in insanitary barracks, and only remove them when the Opposition brought it to their notice. This affair became the more discreditable as time went on. He did not believe it was due to any action which they took on that side of the House that the Scots Greys were removed; he did not know what it was that moved the right hon. Gentleman. But whatever it was, the fact remained that he suddenly awoke to the fact that the Piershill Barracks were unfit for a cavalry station, and he therefore removed the cavalry. He had directed some questions towards ascertaining, if possible, what the right hon. Gentleman and the War Office intended to do with the Piershill site, but they had the usual difficulty in ascertaining what the policy of the War Office would be. They were told—as they were getting accustomed to be told by the War Department—that the question was under consideration, and that the right hon. Gentleman hoped a Memorandum would be published, and Papers laid on the Table, within a month or so; at last they found out that it was not intended that any more cavalry should be sent to Piershill, but that it was intended to send artillery there. Then the right hon. Gentleman was asked to explain why barracks, unfit for cavalry, were fitted for an artillery station. He replied that, although they were unfitted for cavalry, they were fit for a few artillery. That was one of the most inexplicable features in the mystery with which the Government had surrounded these barracks. Why barracks unfit for cavalry should be fit for artillery passed his comprehension. He wished to ask the right hon. Gentleman when this artillery regiment, which, he understood, he proposed to send to Piershill, was going there; and what exactly he was going to do with the barracks in the way of repairs? He believed it was stated that £2,000 was being spent to make the barracks—which, in the opinion of the War Office were not fit for cavalry—suitable to artillery, to be stationed there in the month of December. He did not think, whatever the right hon. Gentleman's answer was, that he would really dispose of the main objections to Piershill Barracks, namely, the objection to the site, the unsalubrious barracks, and the fact that a sewage farm was situated in the neighbourhood. He desired to ask another question, and that was with reference to Tidworth Barracks. The right hon. Gentleman had done his best throughout to create prejudice, and to insinuate that they on that side of the House, who asked Questions, were acting in a fashion contrary to the wishes of the Scots Greys; and not getting any support from his own side of the House, the right hon. Gentleman got the very valuable support of hon. Gentlemen sitting below the gangway. It was no part of his business, or of any other hon. Member's business, to inquire whether or not the Scots Greys disapproved of his act. The Scots Greys were a gallant regiment, and however much they approved or disapproved of his action, yet, if asked to camp out in Palace Yard, they would not express their approval or disapproval, but carry out their orders as good soldiers. The question was not whether this or any other regiment approved or disapproved of the action of the War Office; the point was that they on that side of the House or any other hon. Members had a perfect right to inquire into War Office administration, and into the curious methods adopted by them of spending money in promoting efficiency. It was not a question connected with the regiment themselves. The right hon. Gentleman had endeavoured to insinuate that the Opposition had not the support of the officers of the Scots Greys. It was no part of the business of the Opposition whether they had or not. The hon. Member for South Down made some remarks about feather beds and other things. He was surprised at his questions, as he thought he knew more about plank beds than about feather beds. He could only congratulate the right hon. Gentleman on the efficient allies which he had got. After all, it was not a matter of whether any officer or man in the regiment approved or disapproved of their action. The question was really one of War Office administration, and they were perfectly entitled to point out that the War Office had really advanced very little in efficiency since prior to the South African War. The same colossal blundering and red tapeism pervaded all their actions, as it had done for the last fifty years. He wanted also to refer to the barrack accommodation at Tidworth. When the War Office came to the very tardy decision that Piershill Barracks were not sufficient for cavalry, the 2nd Dragoons (Scots Greys) were removed to Tidworth Barracks, at Salisbury. Tidworth had not sufficient accommodation for the officers of the cavalry regiments, and consequently two of them had encamped in tents somewhere in the barrack square. He put a question to the right hon. Gentleman, and he felt a distinct grievance as to the answer. He asked where these two officers, at present sleeping in tents, were to sleep during the winter, and the right hon. Gentleman immediately arose, and with dramatic gesture, turning to his supporters behind him, said he did not think the officers of the regiment would be particularly grateful to the noble Lord for the question. He was perfectly entitled to hold that view, but it was not an answer to his question. Many discrepancies had occurred in the answers given to his questions. The Financial Secretary told him there was not sufficient accommodation for all the officers at Tidworth, and that two of them would be placed on the lodging list. He asked what that meant, and, in the airy way characteristic of the War Office, was told, "Oh, somewhere in the town." As a matter of fact, there was no town there at all, but, of course, that was only a small point, so far as the War Office was concerned. They could not expect any regiment like the one in question to inhabit barracks in which there was not sufficient accommodation for the officers nor for the horses. Where were the officers of the Scots Greys to be accommodated during the winter months? Where were these two officers to be accommodated? The hon. Gentleman on one occasion gave him the following strange reply—strange having regard to the circumstances of the case—

> "These two questions deal with the arrangements that may be necessary for the quartering of the regiment during the coming winter, on which it would be impossible to make any detailed statement."

This was the only answer that had been given him. He would go on to another matter. He had said the horses of the regiment were quartered in front of the barracks and some time ago asked what was proposed to be done with these horses during the winter months. The right hon. Gentleman then answered that he was sending the horses to the Cavalry Barracks at Bulford Camp; the stables were about to be built for them—he would ask the hon. Gentleman to remember these words. Some weeks later he (Viscount Turnour) asked had the stables yet been commenced. The reply was that the right hon. Gentleman was surprised that the noble Lord should think barracks could be built at once, but he believed that they would be ready in six weeks. That occurred ten days ago. He had the opportunity on Sunday of following the distinguished precedent of the right hon. Gentleman who on his Sunday walks went as far as Windsor barracks. He (Viscount Turnour) visited Tidworth barracks to see whether the promised stables had yet been commenced. He succeeded in ascertaining that the barracks had not been commenced. The only sign of a beginning was some fifty little pegs which had been set up on a spot which was more unsuitable than any he had ever seen for building stables. But that was another story. The main fact was that all the promises which had been made as to building stables resolved itself into this—

that last week a surveyor had gone to the spot and had put down fifty little pegs. How was the right hon. Gentleman in a position to say a month ago that stables were about to be built there, when at that time the ground had not even been surveyed? He had asked a question that day as to what provision the right hon. Gentleman proposed to make for the travelling expenses to be given to the officers, non-commissioned officers and men, of the Scots Greys for their daily journeys between Tidworth and Bulford. The hon. Gentleman said he was unable to answer because it was impossible to make a detailed statement. He (Viscount Turnour) then asked whether or not it was the case that the horses of the regiment would be sent to Bulford, and the hon. Gentleman replied they would not be sent to Bulford if the barracks at Tidworth were ready. But these barracks had not been commenced, and as this was an undertaking of considerable magnitude it was not likely they would be ready before the winter. Some considerable accommodation must be found in which to place the horses of the Scots Greys during the coming winter. He asked again where did the hon. Gentleman propose to place them, and what arrangement did he propose to make for the travelling expenses of the men between Tidworth and Bulford. To-day the hon. Gentleman was unable to give an answer and said the question was hypothetical. The hon. Gentleman would not give an answer for the very simple reason that he knew such a state of affairs had never occurred before in the very worst administration or under the most retrograde War Office as that a cavalry regiment should be stationed at one place and their horses five miles away. These facts showed that despite everything, despite the improvement in the Army, and improvement in efficiency since the war, the War Office had not advanced one yard since the last general election when so many speeches were made about efficiency and the impossibility of getting an Army without proper expenditure. While the right hon. Gentleman and his colleagues had been making elaborate schemes for a new Army they had allowed the serious errors to take place which had occurred at Tidworth and Piershill. The worst phase of the question had been the extraordinary reluctance of the right hon. Gentleman the Financial Secretary to give any information about these matters. They had withheld all information from the House for two very good reasons. The first was that they had no information to give. The second was that if they had given any answer they would have laid themselves open to criticism from hon. Members on both sides of the House. He would appeal to the hon. Gentlemen to tell the House what circumstances had occurred within the last few months to cause him to decide that Piershill could be made a proper barracks, and what he proposed to do there to make the barracks fit for artillery. The second question he would repeat again. It might not be quite clear.

*Mr. SPEAKER: The noble Lord is not entitled to go on repeating the same question. I think I have heard the same question now four or five times.

Viscount TURNOUR, continuing, said he bowed to the Speaker's ruling. His only reason for having gone over the questions twice was that it was rather difficult to make them clear owing to the complications of the matter. There was another point which he wished to put to the hon. Gentleman. What steps was it proposed to take in connection with barracks in general to put them in a sanitary state for troops? For instance, the Barracks at Brighton were not in a sanitary state. There was another matter upon which he desired information. Without going into the reason for or against brigading cavalry he wished to ask whether that part of the War Office policy was to be carried out. If that was the reason for sending the Scots Greys to Tidworth he admitted that a great deal of objection to the regiment being stationed there fell to the ground. There was only one other question in regard to army administration which he would put, although there were a great many which might be raised. He understood it had been the habit lately on manœuvres for the artillery to make use of a kind of firework to which a fuse was set and which exploded on the ground. It certainly seemed an extraordinary way of training artillery at manœuvres, and, unless the economy effected was great, it seemed that it would have been better to have allowed the artillery to continue the use of blank ammunition. This extraordinary firework, which rejoiced in the name of puff-ball, had only been in use about a year, and he wanted to know what was the exact saving or the approximate saving on these puff-balls.

THE FINANCIAL SECRETARY TO THE WAR OFFICE (Mr. BUCHANAN, Perthshire, East) said the noble Lord informed him after Questions that he desired on this Bill to call attention to certain alleged discrepancies between the answers given by the Secretary of State for War to questions addressed to him with regard to the Scots Greys and Tidworth Barracks. He told the noble Lord that unfortunately the Secretary of State would be unable to be present because he was engaged on important Army business in the country. He did not think the House would expect him at that hour of the morning to go into the larger question adumbrated in the latter part of the noble Lord's speech, viz., to express an opinion as to the barrack policy or general cavalry policy of the Government. The statements which his right hon. friend had already made on both these subjects were in the possession of the House. He did not think it was possible to add anything to the statements upon general matters that his right hon. friend had already made. Coming to the specific question which he understood the noble Lord was going to raise to-night, viz., Piershill and Tidworth Barracks, he could not agree with the noble Lord that the House had not had a good deal of discussion on the subject already, nor could he agree that the answers had not been full and complete. He would recapitulate the facts which were already well-known to those who took an interest in the subject. With regard to Piershill it had been said over and over again that the general rule which guided the distribution of cavalry and any other forces must be that they should be stationed where they were best suited for military purposes. The Scots Greys were removed from Piershill, and the Secretary of State announced the fact a good many months ago. He had informed the noble Lord that afternoon what had taken place at Piershill. There was a sum of £2,000 odd being spent on repairs to Piershill barracks. The workmen were engaged on the reconstruction of the barracks at the present moment, and it was intended that as soon as completed the barracks should be utilised. The original intention was to send the Scots Greys to some other place, but it was afterwards decided to send them to Tidworth because there was a cavalry barracks there which had never been occupied, but which could easily be adapted to receive the cavalry regiments. It was largely with a view to meeting the objections that were made to putting the Scots Greys at Bulford that it was determined to erect stables for the reception of their horses. The contract had been given out, and the work already begun, and he had the latest information in the possession of the Department dated Friday last, stating that the work had begun, and the director of barracks had every confidence that these barracks would be completed and available for use at the end of September or the beginning of October. If the stables were not completed by the time the summer was over the horses would go into the stables now existing at Bulford. There was no intention, as the noble Lord assumed, of officers and men making three daily journeys between Tidworth and Bulford. A detachment of Scots Greys would, of course, go over with the horses to Bulford. It was merely a temporary arrangement.

MR. AUSTEN CHAMBERLAIN said he wanted to ask a question of detail on a matter in regard to which he was in correspondence with the Financial Secretary to the Treasury some time ago. It would be within the knowledge of the House that the Government had sold the Small Arms Factory at Sparkbrook in Birmingham, and though that had been a matter of grief to many people in the locality, frankly, as Member for a neighbouring constituency, he was not sorry that the Government were no longer the owners, for he thought the less the Government had to do with employes in one's constituency the better. But in getting rid of the factory at Sparkbrook, the Government had discharged a considerable number of men, among them a small number of pensionable foremen. The expectation held out to these men was that if they were deprived of their employment by the abolition of their office, and that saved expense to the State, they should have an addition of years made in calculating their pensions, so that if they did not get as much as they might have earned if they had been allowed to serve their full normal time in the ordinary course, they would get something more than they would have actually earned in the number of years they had served. In this case the Treasury had refused to make any addition. He knew how careful the Treasury had to be in such matters as this, but he thought they might sometimes be too careful. But there was something else they ought to think of also, and that was that when they were obliged to do a thing of this kind, which was the cause of some hardship, and a great deal of disappointment, and which made a breach in the expectations which a man might have legitimately entertained—if there was any doubt about the question, it ought to be decided in favour of the sufferers rather than of the Government. He heard a speech the other night from the hon. Member for Woolwich, dealing with the way discharges had been carried out at Woolwich, and alleging that people had been selected for discharge at a particular moment because keeping them a few weeks longer would have entitled them to a bonus. He did not for one moment believe that either a member of the Government or an official at Woolwich ever selected a man for discharge on that ground. He thought if there had been a doubt at all, they would have done their best to give them the few weeks needed to make up the seven years service. But he thought that in these matters the Government was not always sufficiently careful. He spoke in this matter with the responsibility of having been at the Treasury, though he was not now there. He thought the decision of the Treasury in the case of these Sparkbrook foremen was very hard. He supposed the work which would have been carried on at Sparkbrook would now be carried on at Enfield, and that some additional expenses would be incurred there, which would otherwise have been incurred at Birmingham. He contended that the Government should consider the salaries of the pensionable officers and men as well as the mere question of saving money. It would have been a heartless and cruel thing to dismiss men at Sparkbrook merely to take on other men. Therefore, if they had dismissed these pensionable men at Enfield, he did not suppose they were going to take on other men in their place. Even if the Financial Secretary to the Treasury contended that he was within the letter of the law, he must admit that it was a very doubtful case, just on the margin; one in which there was a very little money consideration at stake, but a good deal of hardship and disappointment inflicted on the people in question, and he urged the Financial Secretary to reconsider the decision of the Treasury.

THE FINANCIAL SECRETARY TO THE TREASURY (Mr. RUNCIMAN, Dewsbury) said he had looked very carefully into the case referred to by the right hon. Gentleman, but he confessed he had not now a very clear recollection of the whole circumstances. He went fully into the matter at the time, and he wrote a great many letters on the subject—letters which were written after a great deal of anxious consideration on his part. He felt that some of the men were suffering considerable hardship, but he was bound by rule in the matter, and so was unable to make the allowance that was asked for. He found that some men had been transferred to Enfield, and also that the Enfield expenditure had gone up in consequence of their action at Sparkbrook. The two transactions were so closely allied that he found no other course open to him but to apply the rule to the men in question. He very much regretted if any hardship and suffering had been caused. There were two cases which the right hon. Gentleman brought to his notice, but, after giving them the full benefit of the doubt, he regretted that he had had to decide against them.

The right hon. Gentleman, with his knowledge of the Treasury, would know how dangerous it would be if they were to decide definitely against the rule which had always been laid down.

MR. AUSTEN CHAMBERLAIN: I say that this is a misinterpretation of the rule.

MR. RUNCIMAN said that he would not go very fully into the question of the rule that evening. If he had had any information that this matter was coming on he would have refreshed his memory on the point. But the rule in question was perfectly well known, and they had to abide by it.

*MR. BOTTOMLEY (Hackney, S.) called the attention of the House to what he conceived to be an extremely grave scandal connected with the appointment of a Public Trustee. In the last session of this Parliament an Act was passed called the Public Trustee Act. The first section of that Act provided that there should be an office of Public Trustee, and a subsequent section, towards the end of the Act, went on to explain that the way that office should be established was that the Lord Chancellor should formulate the rule establishing it, defining its scope and duties; and that that rule should lie on the Table of the House for thirty days, subject to an address to His Majesty to annul it if the House did not approve of it. The Act did not come into operation until the commencement of next year, consequently no one was surprised that, at the commencement of this session, nothing had been done towards formulating the rule. But as the session went on some curiosity arose as to whether or not the Act would ever become operative. A short time ago the Attorney-General was asked what was being done, and, to the intense astonishment of them all, they were told that matters were well in hand; and although the rules had not been laid on the Table, and although nothing had been done to put the machinery of the Act into operation, it was proposed to appoint a certain gentleman—Mr. C. J. Stewart—to the office of Public Trustee. That announcement, coming at the time when the office did not exist, and had not been established, took some of them by surprise. He subsequently called the attention of the Attorney-General to the fact that the office had not been created, and that the rule had not been laid on the Table, and he was told at the end of last month that it was intended to lay the rule. He gathered from the Votes and Proceedings that on the last day of last month the rule had been laid. But it was only that day that he was able to obtain a copy—not of the rule, but of the draft of the rule. Consequently, although twenty days out of the thirty had elapsed, nothing but the draft rule of the office was laid. The scandal he wished to speak about was the premature appointment of a gentleman to the office before the office was created, before any public information was given to the world that candidates might compete for it. There were one or two other suspicious circumstances connected with the matter. There was one extraordinary provision in the Act, which was not without great significance, especially when one referred to the debates which took place when the Bill was before the House. The Bill stated that—

> "Any person appointed to be Public Trustee or officer of the Public Trustee may, and shall if the Treasury require, be a person already in the public service."

There was a provision, therefore, that the Treasury were masters of the situation. If they came to the conclusion that the gentleman elected to discharge the duties of this important office should be someone in the public service, they had simply to make a request to the Lord Chancellor for his appointment. He put a question a few days ago to the Financial Secretary to the Treasury, asking if any such requirement had been made, but he was answered in the negative. He then asked if it was the opinion of the Treasury, as it was of the Lord Chancellor, that the most fitting and competent person for the post was a gentleman who occupied the position of chairman of a brewery company? The answer he got was one delightfully characteristic of the type of mind on the Front Treasury Bench—

> "I have not the slightest idea of what the mind of the Lord Chancellor is, but whatever it is I agree with it."

He congratulated the hon. Member upon his prospects of steady and continuous official promotion. What had happened appeared to be this, that for some reason, best known to the Lord Chancellor, it was suggested that not a moment was to be lost to secure the services of the gentleman who had already been in the public service years ago, who had thrown up his duties to take a semi-public position as Clerk to the London County Council, who had afterwards thrown up that position to assume the chairmanship of a brewery company, and who was now taken away from that position, over the heads of everybody in the public service and over the heads of every member of the legal and accountancy professions, to take up this post, which was created without the power of Parliament to use any supervision in the matter. They were entitled to ask why was the office created, and why was it being filled in such a way? Nothing was more distasteful or opposed to the traditions of the House than to make an attack on a gentleman who was unable to speak in defence. He desired to preface the few criticisms he wished to make by saying that, with regard to the gentleman to whom the office had been allotted, personally he knew nothing inconsistent with the view that in private life he was an estimable and honourable gentleman. But having said that, he asked the House to bear with him for a moment when he said that Mr. C. J. Stewart was some twelve years ago appointed Official Receiver in the Winding-up Department of the Board of Trade. In that capacity he regretted to say Mr. Stewart was a dismal and melancholy failure. It was his painful duty to hear one of His Majesty's most distinguished Judges say in open Court that Mr. Stewart was unfit for the position he held. Criticisms were also made by Sir Edward Clarke and by the present Attorney-General that he had allowed animus and spite and vindictiveness to enter into the discharge of his public duties. This was a very solemn charge to be made against a public official. In connection with the Liberator scandal it was notorious that valuable properties were sacrificed at ridiculously low figures. But he would put all that on one side. With regard to Mr. Stewart's duties on the London County Council, he knew nothing except that he left suddenly to assume the chairmanship of a brewery company. The evidence in his possession consisted of hundreds and hundreds of letters which he had received from people interested in that brewery since he took the matter up, and these letters from every source showed that even in that capacity Mr. Stewart had been the very opposite of a commercial success. In these circumstances, why in that indecent hurry had he been chosen to fill the high position of Public Trustee? The Attorney-General had said that Mr. Stewart had not yet been actually appointed. He thought that, if the matter was investigated, he had had the appointment offered him; in fact he had told the shareholders in the brewery that such was the case. In these circumstances he (Mr. Bottomley) asked the House to say that the conditions affecting his appointment required explanation. The Public Trustee defined in the Act was a position of the most reponsible character. In these circumstances, it seemed to him that every Member of the House would admit that what was required in such an official was a gentleman not only experienced in the administration of trusts but also of a keen business capacity. He did not wish to make any invidious distinctions, but the sort of gentleman who would have been best suited for the position he thought was a gentleman like the late Sir Alfred Billson. The whole legal profession had been slighted, the whole accountants' profession also, and he asked the Attorney-General to say what names were before the Lord Chancellor. He thought the House had a right to exercise scrutiny as to how such a post was filled up. Having regard to the serious character of the post which was to be filled, having regard to the fact that the occupant would exercise an important legal position in the country, he thought there were suspicious circumstances behind the whole thing, especially as beneficiaries under trusts were unable oftentimes to look after their own interests. He asked the Attorney-General not to put him off with commonplaces of the nature that Members often had given to them at Question time, but to tell him candidly why the office was filled before it was created, and what the qualifications of Mr. Stewart were over the heads of other applicants and what applicants were invited to tender for the post. He described it as something suspiciously like a very scandalous affair.

*SIR JOHN WALTON said he understood that the first ground of complaint was that the rules were not accessible as early as the hon. Member wished, but as he had not criticised any rule he did not think he need deal further with that objection. The real gravamen of the complaint was that the office was prematurely filled, and, secondly, that it should not have been filled by a gentleman about whom the hon. Member said there was some suspicion. The Lord Chancellor assured him in the first place that Mr. Stewart was an absolute stranger to himself except on official grounds. When the present Lord Chancellor was Attorney-General, Mr. Stewart was at the same time employed in the Board of Trade, and the Lord Chancellor formed a high opinion of his ability and his industry. The Lord Chancellor had held that opinion from that day to the present time. The hon. Member said that when Mr. Stewart held the position of official liquidator he instituted a prosecution in the course of which the learned Judge who presided at the trial made some observations criticising Mr. Stewart's partiality in getting up the case for the prosecution, and intimated that his zeal had over-reached his discretion. He (the Attorney-General) believed that statement to be perfectly accurate, but the Lord Chancellor informed him that other persons in the Board of Trade who were the superiors of Mr. Stewart gave their opinion that this comment was not well founded. The President of the Board of Trade for the time being said that there was no justification for the comment, and that Mr. Stewart was entirely exonerated from all blame. A little later Mr. Stewart left the public service entirely of his own accord in order to accept the position of Clerk to the London County Council. After having been some time in that position he was offered the post of chairman to a well-known brewery company and accepted that post. That company might not have been financially successful, but this failure was not in any way to be ascribed to Mr. Stewart. That gentleman had now resigned his post in order to re-enter the public service. The Lord Chancellor told him (the Attorney-General) the history of his re-entering the public service. The story is very short. The post of Public Trustee demanded special qualifications, and the Lord Chancellor, while he occupied the position of Attorney-General, had been struck by the organising abilities of Mr. Stewart. He invited him to attend a small committee, and afterwards offered him the post of Public Trustee, and Mr. Stewart declined it. Then an interval passed and the Lord Chancellor again asked Mr. Stewart to accept the position. Mr. Stewart accepted the offer. He could therefore say that no appointment was ever more honourably made.

MR. SWIFT MACNEILL (Donegal, S.) said he wished to protest on a subject on which he felt very strongly, but as it was an early hour in the morning, and the House was very tired, he felt he ought not to detain them long. He himself had travelled far that day to attend the sitting. He felt that it was a vital principle that he wished to point out. If the Chancellor of the Exchequer was not able to take off the war taxes on tea and sugar, if they could not get payment for Members of Parliament, why should they take out of the public funds and give to Lord Cromer £50,000 beyond the pension due to him after thirty-five years in the public service during which time he had not done a stroke of work for which he was not paid well? Lord Cromer came of a family as wealthy as the Rothschilds. The first Lord Revelstoke was Lord Cromer's brother. There were four peerages in the family, and the holders were revelling in wealth. The founder of the family made £7,000,000 of money. During the pre-Reform time, for fifty years they represented nearly every borough in which there was a corrupt reputation. Lord Revelstoke was a rich man, Lord Ashburton was a rich man, so was Lord Northbrook and also Lord Cromer. This Government came in under different circumstances from the late Government. They came in for the benefit of the poor. There was no mandate whatever to give Lord Cromer £50,00(..

And now he came to some observations which he hoped the Foreign Secretary would not take unkindly in reference to himself. Lord Cromer's administration must be marred and blurred by the terrible occurrences at Denshawi. When the account of the Denshawi executions—judicial murders—came to this country, it moved Parliament very much. On 2nd July last year many Questions were addressed to the Foreign Secretary. The right hon. Gentleman refused to obtain a full account of the proceedings by telegraph, and he (Mr. MacNeill) said then as he said now, that the full telegraphic reports were withheld deliberately by the right hon. Gentleman for fear of the indignation of the public, and with the hope that the matter would cool. The right hon. Gentleman dismissed all questions in reference to the horrors attending these executions. He was in Ireland at the time, and got a letter asking him to address a Question to the right hon. Gentleman with reference to postcards containing pictures of the proceedings. He addressed a Question to the right hon Gentleman, but the Answer that he received was that the Government were not responsible for the pictorial representations, and that they did not know how they came at all. He had them with him, and he said that atrocities of this kind occurring under British rule should make every hon. Member if he did not protest against it ashamed, and the English people ashamed also. He had taken pictures from the illustrated papers of the day. He had got the *Graphic*, and the *Illustrated London News*. There was a question as to whether the crowds were permitted to ee these executions. Here was one, "A group of onlookers watching the executions." Another was, "One of the condemned, preceded by the police mounting the scaffolding, assisted by the police and hangman," the letterpress appearing under "Retribution." A still more horrible one was that showing the condemned men being conveyed to the place of hanging, and the bodies of the men after having been hung. These were authorised photographs, the object being to educate the public mind. The way the execution was carried out was a perfect scandal. The gentleman who was the governor, and responsible for the Government at the time, got £50,000. He was in England at the time no doubt, and in conference with the right hon. Gentleman the Secretary of State for Foreign Affairs, but it struck neither Lord Cromer nor the right hon. Gentleman, that it would be better to telegraph and find out what did occur with reference to this thing, and to be sure of the facts. The right hon. Gentleman was a high Imperialist, and one was almost afraid to address a word to him for fear that they would disturb the peace of Europe or the balance of power. He held himself aloof and came down to the debates and answered questions at a specified time. He did not trouble himself with mundane affairs. Of course the lives of the poor people were not of such great consequence to him as to the House of Commons. The right hon. Gentleman largely for the lives of the poor people as long as they had him as their servant had not the same feelings as they had. He very well recollected that they ventured to protest against executions in South Africa—the right hon. Gentleman was the chief protagonist of the South African War and he did a great deal towards prolonging that war by defending it from the Liberal Benches. He very well remembered when some executions almost as horrible as these were described in the House, the right hon. Gentleman got up and said he wished the executions to be carried out in a dignified manner. That exclamation produced from those present a perfect howl of rage. and he was not able to go on for some time. One Gentleman was extremely disorderly, and made a remark which was very pungent, and said: "Why do you not paint the gallows red?" But they were not going to have these things done; if punishment was to be carried out, it should be carried out properly, and everyone, be he black, white or brown, under the British flag, should have justice, and there should be no difference shown. Another feature of the case was that Captain Meechan was the Judge and presided over executions, and he was in command of the military in Egypt. The House had agreed to give the sum of £50,000 to a privileged man, a Member of the House of Peers, a Member of a family which had four peerages and immense wealth, and he could not understand its being done in the House of Commons by the Liberal Party, which had a majority of 475, and were sent there, not to do such things, but to defend the poor and protect the helpless, and those in humble life. This was his case, and he must apologise to the House for bringing it up again, but it was so horrible that he had no option. What was the use of passing academic Resolutions about peers, and then conferring large sums on them, and suddenly becoming very anxious to become members of that aristocratic body one's self. The House of Commons was in earnest—two-thirds of the Ministry he believed were in earnest. They had a grand opportunity, and Liberal principles and the principles of love for mankind would not be destroyed and would not be allowed to be spoilt by the work of any of the Liberal Imperialists who were the leaven of the Cabinet in this matter.

MR. LEA (St. Pancras E.) said he made no apology in rising to support the hon. Member for Donegal. When a few days ago, the matter was raised, owing to the intervention of the Secretary of State for War several hon. Members were unable to take part in this debate. He had the honour of representing between 70,000 and 80,000 people, the bulk of whom were humble wage-earners on whom rates and taxes pressed very heavily. It was on their behalf that he rose that night to protest against this grant. The form in which this grant came to the House was a gracious message from the throne that the King was desirous to confer some mark of his royal favour upon Lord Cromer for his services during the last twenty-five years. That signal mark of royal favour was to be to the tune of £50,000 at the expense of the taxpayers of the country. To that principle he objected altogether. If that House, containing representatives of the people dealing with the people's money, and responsible to the people for the disbursement of that money, did, out of their benevolence and gratitude for services rendered, give a grant of £50,000 to a public servant, all well and good, but he did not see where the signal mark of royal favour was to come in. If it was to be bestowed let it come out of the royal purse and they would know where they were. This was a Government which professed to hold economy as one of its most sacred ideals; he did not think that could be denied. They had had experience of that, as was witnessed in the action of the present Local Government Board who, through its determination to economise, withheld some £80,000 of public money voted by Parliament towards the relief of the unemployed and distressed. What were the grounds of this grant? He understood that the retiring allowance of Lord Cromer as Consul-General of Egypt was some £999 a year. It was urged by the right hon. Gentleman the other day that the ground of the grant was the fact that the retiring pension was inadequate, and it was thought by the Government that Lord Cromer should have a similar retiring pension to that enjoyed by ambassadors at St. Petersburg, Paris, and Berlin. Why in that case could they not have had a small Act of Parliament brought in to have made his retiring pension equal to that of any other retiring ambassador? But this £50,000 was not voted to that purpose, but to bolster up a title. He had not the slightest doubt that as soon as this money was received by Lord Cromer it would be sunk in some trust deed going down from father to son. Years ago when he went to Egypt, Lord Cromer found the country in a state of anarchy. The Exchequer was bankrupt, and the fellaheen of that country were groaning under taxation and a tyrannical form of government. This country went to the rescue, with her money and her soldiers. Major Baring, as he then was, was given exceptional powers, and he would say that he had used those powers very well indeed. The value of Egyptian bonds had been raised to above par, where they still remained. The native population was enjoying great prosperity, and he would be glad to add, immunity from tyranny. Were not the incidents referred to by his hon. friend opposite a standing evidence that tyranny in Egypt still existed, although the culprits were British officers? The policy of irrigating the land had been a great success and stood in Lord Cromer's favour, but while this, and a steady form of government had been introduced into

Egypt by him, there was one thing which struck him, and that was that in his Reports during the last five or six years, he remarked that if the British officials were withdrawn from Egypt to-morrow, although Lord Cromer had spent twenty-five years of his life there, trying to put the country on a sound basis, the old state of anarchy would be resumed at once. If Lord Cromer had been twenty-five years erecting an edifice on such uncertain foundations as that, he was not quite sure that he deserved all the encomiums which had been lavished on him by that House. The only thing that the right hon. Gentleman had to say was that these people were orientals and incapable of self-government. The Irish nation had for some years been insulted in the same way about its incapacity to govern itself, and he had not the slightest doubt that if the Leader of the Opposition had been sitting in the House that night hon. Members would have had philosophical reflections from him as to the incapacity of the people of the Transvaal and the Orange River Colony to govern themselves. Another thing was the boasted prosperity of the Soudan. Curiously enough, two or three days before the discussion came on in the House there was an article in the commercial supplement of *The Times* by a correspondent who had been down to Khartoum, from which it appeared that the officials there had done everything they could to discourage the advent of commercial men. It was on these grounds that he resisted the grant and would vote against it if, as he hoped, his hon. friends pressed the matter to a division. He protested against this grant because the Government still kept on the tax of a halfpenny a pound on sugar, and other taxes which pressed so heavily on the poorest in the land, and yet could find the money to give a grant of £50,000 at one fell swoop to a man who was already well off.

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir EDWARD GREY, Northumberland, Berwick) said that this subject was discussed in the House quite recently. Respecting the other question which had been raised he assured the House that the Egyptian Government had nothing at all to do with the matter. As to the grant to Lord Cromer he could add nothing to what he had said quite recently. He did not think that on the Third Reading of the Appropriation Bill the House could seriously desire to discuss over again the decision which they came to on this matter. Therefore he would not attempt to do so. He had not heard any argument brought forward by the hon. Gentleman which was not covered by the speeches on a former occasion. He could only say again that Lord Cromer's service had certainly been unique. If they considered the extreme difficulties with which Lord Cromer had to deal they could not, if they desired to choose one man who had served his country and had saved the country millions of money, make a better selection than Lord Cromer. He had said before that if they regarded Lord Cromer's services merely from an economical point of view and attempted to measure them by a money grant the grant would be something very much larger. By services such as Lord Cromer's the country would always reap economy and efficiency, and he thought the grant that was proposed was a very moderate one.

MR. J. MACVEAGH: Has no censure been issued for the way in which these executions were carried out, and has any order been sent as to executions in the future?

SIR EDWARD GREY: I have conveyed no order, and with regard to the future the hon. Member is aware that certain things were proposed with regard to a special tribunal. That was proposed by Lord Cromer himself.

MR. HARMOOD-BANNER (Liverpool, Everton) said he wished to raise the question of the position of postmen. Some time ago he received a deputation and promised to bring this question before the House. What was the position of the postmen? Some three years ago the Bradford Committee issued its Report. A strong attack was made on the then Government, and it was impressed on them that there was a necessity for improving the position of postmen. There was a very unequal division of remuneration between postmen in the provinces and those in London. The then Chancellor of the Exchequer suggested a Committee to consider the question appointed outside the House and not liable to any inside influences. Then came the general election and from that time to the present nothing had been done except the appointment of a Committee. The result had been seen in a meeting of the postmen on Saturday when the strongest expressions were given to the feeling of that class of Government servants. He thought all Members must agree that postmen were a class who ought to be properly treated and paid. Nothing had been done as regarded the report of the Bradford Committee. The Hobhouse Committee, which had reported, was more against the interests of the postmen than the previous Committee had been. He would like to know what steps would be taken to satisfy that large body of most respectable men, and he would also like the House to consider the difference in pay between the provincial men and the London men. In addition to that, there was the fact that the present pay was inadequate to the services which they gave, as was admitted by this Report, and therefore he would like to know what steps would now be taken to put these postmen on proper basis of pay and remuneration.

CAPTAIN NORTON (Newington, W.) pointed out that the hon. Member had given no notice of the fact that he was going to bring this matter before the House. The Report of the Select Committee was now being considered by the Postmaster-General. He would represent everything the hon. Member had said, and he had no doubt the right hon. Gentleman would be able to satisfy him.

MR. JOHN O'CONNOR (Kildare, N.) said it had been his intention to trouble the House with a few observations on a subject of great importance to his constituents, and he thought that after this long and weary session he had some claim upon the House. He began to attend the sittings in February, and had been constantly there all the time. For the last few weeks he had spent a considerable portion of his time in Committees upstairs. Yesterday at 12 noon he came to the House and served upon a Private Bill Committee. He did all this work in the service of the House, and did not feel at all unhappy; but he was in hope of having the opportunity of bringing before the House a question in which his constituency was very much interested. The Committees on which he served and the questions they decided were totally foreign to his constituents; they had no interest whatever in the matters that came before these Committees, and he had hoped that in return he would have had an opportunity of bringing before the House on this occasion a grievance deeply affecting his constituents. In the last Parliament they had some opportunities of introducing to the notice of the House of Commons the subject of the arterial drainage of Ireland. This Parliament knew absolutely nothing about it, and it was his intention to bring the matter forward. But he declined to do so at that hour of the morning. He had no desire to address empty benches and especially a House of Commons which were half asleep; and, therefore, he would not trouble his hon. friend on the Government Bench, who had been there the whole evening for the purpose of answering any question that he might put to him with regard to the attitude of the Government on this very serious question. He did not know what it was that excited the laughter of hon. Gentlemen below the gangway. He had a much more serious question to bring before the House than that which had been raised by the noble Lord. If the noble Lord was outside the precincts of the House and treated this subject in the hilarious and disgraceful manner that he exhibited now——

*MR. DEPUTY-SPEAKER (interrupting): I do not think the hon. Member is in order in addressing these remarks to the House about the noble Lord.

MR. JOHN O'CONNOR: I shall pass it over because you desire me to do so, Sir, but I was about to say that if it occurred outside the precincts of this

House it would have the treatment that such inane conduct deserves.

VISCOUNT TURNOUR rose, but Mr. O'Connor refused to give way.

*MR. DEPUTY-SPEAKER: Does the noble Lord rise to a point of order?

VISCOUNT TURNOUR: I desire to ask whether the extraordinary statement of the hon. Member, which practically contains a threat of personal violence, is in order?

*MR. DEPUTY-SPEAKER: I do not think it was intended to suggest personal violence.

MR. JOHN O'CONNOR said he would not treat the observations as those of a noble Lord, but rather as those of an impudent puppy.

*MR. DEPUTY-SPEAKER: Order, order! Does the hon. Member mean to use that phrase with regard to the noble Lord? If so, it is not in order.

MR. JOHN O'CONNOR said it was his intention to have drawn the attention of the House to a serious matter, but the noble Lord had chosen not to treat it as such, and, of course, if he behaved towards the subject in the same way elsewhere he would treat it in a different manner. However, he was not going to trouble the House any further except to express his unutterable disappointment at the way in which he had been treated by the House with regard to this serious subject.

*THE DEPUTY-SPEAKER: I must ask the hon. Member to withdraw the phrase he used with regard to the noble Lord.

MR. JOHN O'CONNOR said as regarded anything he had to say inside the House he did not desire to carry it further, but if the noble Lord chose to treat the subject that he wished to introduce in the light manner he had done, then he would treat him as he deserved.

*THE DEPUTY-SPEAKER: I must ask the hon. Member to withdraw the phrase. I understood him to use the words "impertinent puppy" with regard to the noble Lord, and it is a phrase I cannot allow to pass.

MR. SWIFT MACNEILL: With great respect, as I understand the expression——

*THE DEPUTY-SPEAKER: Order order! It is not a matter for the hon. Gentleman to explain. I wish the hon. Member to withdraw the phrase.

MR. SWIFT MACNEILL said he understood that his hon. friend did not apply the expression to the noble Lord, but said that if it had been anyone outside the House he would have treated the matter differently.

MR. JOHN O'CONNOR: Out of respect entirely for you, Mr. Deputy-Speaker, and the authority of the Chair, I withdraw any expression which I used.

*MR. COURTHOPE (Sussex, Rye) said he wished to bring an important point before the House, and that was the attitude of the Government, and particularly of the War Office, with respect to the rifle shooting team which had just left this country for the Colonies. The attitude of the War Office had created a great deal of ill-feeling and irritation in military circles in the Colonies, and that irritation ought to be at once allayed by His Majesty's Government if it were possible without serious inconvenience. The Colonies recognised the value of rifle-shooting far more than we at home did, and they attached much importance to the inter-Colonial competitions which took place annually in this country at the Bisley meeting. These competitions did a great deal to set up a high standard of marksmanship throughout the British Empire, and so did a great deal in the cause of national defence. In furtherance of that patriotic idea the Colonies had for a number of years sent representative rifle teams to the National Rifle Meeting in this country to compete not only against the other Colonial representative teams, but against teams representing the Mother Country. A great feature of their action was the extreme generosity and public spirit in which the Colonial Governments had treated this movement. They had, on all occasions when representative teams had come to England, not only made a contribution towards the expenses of the team, but had given every facility possible in their power to the non-commissioned officers and men forming part of that team. This year, for instance, the Federal Government of Australia made a considerable grant—he thought £1,000—to the rifle team that visited this country. They allowed the officers who came to go on full pay and the non-commissioned officers and men were allowed separation allowance as well as pay. The Canadian Government did the same thing. This year the visit of the Colonial team had been returned, and the team representing the Mother Country had been selected by the National Rifle Association, and started ten days ago to visit Canada and Australia in order to encourage this most important branch of national defence. As the House was probably well aware, the team went out in charge of His Majesty's Chief Inspector of Small Arms. An application was made by the National Rifle Association to the Treasury, he thought through the War Office, for a contribution to the expenses of this team, which was absolutely refused. And that was not all. There were various matters, small in themselves, but which gave the impression, not only in this country but in the Colonies, that the Government had behaved meanly. There were two officers serving in His Majesty's Forces who had joined this team who had been placed on half-pay. Separation allowances were refused for non-commissioned officers and men. One other point, he thought perhaps the meanest of all, referred to one individual, a warrant officer who was stationed at Malta, and who had returned to England to join the team. The Government had claimed from the National Rifle Association the cost of his passage home in order to join the team. The saving effected by the Government in all these details had been very small indeed, but they had created a great deal of discontent. He could speak from personal knowledge and experience of the great bitterness with which this matter was spoken of by a large number of Colonial marksmen who were in England this year. Many of them had spoken to him on the subject, and it was impossible to exaggerate the disappointment which this meanness on the part of the Government had caused. But there was one other matter which threw even greater light on the generosity and public spirit of the Colonial Governments in reference to this matter of rifle shooting, and consequently threw a dark shadow on the action and attitude of His Majesty's Ministry. About a fortnight ago the Federal Government of Australia, finding that all Government assistance was refused by His Majesty's Ministers here, and knowing that a great deal of money was still required to meet the estimated expenditure, actually made a grant themselves to the expenses of the team which was visiting them. They had made this grant towards the cost of entertaining the team which was not their own, while the team was in Australia, in order to reduce the burden which might fall on the individual members of the team, and also on the National Rifle Association of this country. He was sorry that no representative of the War Office was present that night—perhaps he made a mistake in not sending a written notice to the Secretary for War, telling him he was going to bring on the matter — he had given verbal notice — but he hoped even now that the Government might so reconsider the line they had taken that they might alleviate the bitterness that had been created thereby in Colonial military circles. He knew it would be said on behalf of the Treasury that it would be a very bad precedent. If they once started giving grants to rifle shooting teams they might be asked to give equal grants to similar objects, such as football or cricket teams. But that was a totally different thing. Rifle shooting was an integral and important part of national defence, and anything that could be done to encourage it throughout the Empire should be done. He also wished to lay stress on the light that was thrown on our attitude by the action of the Colonials themselves. It was not wise, he thought, for His Majesty's Government at home to allow themselves to appear mean compared with the Governments of the Colonies.

The SECRETARY of STATE for the HOME DEPARTMENT (Mr. Gladstone, Leeds, W.) rose in his place and claimed to move "That the Question be now put."

Question put, "That the Question be now put."

The House divided:—Ayes, 104; Noes, 16. (Division List No. 433.)

AYES.

Acland, Francis Dyke
Adkins, W. Ryland D.
Ainsworth, John Stirling
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Benn, W. (T'w'r Hamlets, S. Geo
Berridge, T. H. D.
Bertram, Julius
Bottomley, Horatio
Bowerman, C. W.
Bramsdon, T. A.
Burns, Rt. Hon. John
Carr-Gomm, H. W.
Cleland, J. W.
Clough, William
Clynes, J. R.
Collins, Sir Wm. J. (S. Pancras, W
Corbett, C H (Sussex, E. Grinst'd
Cowan, W. H.
Crooks, William
Crossley, William J.
Davies, Timothy (Fulham)
Dobson, Thomas W.
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Elibank, Master of
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Fiennes, Hon. Eustace
Fuller, John Michael F.
Gill, A. H.
Gladstone, Rt. Hn Herbert John
Goddard, Daniel Ford
Grant, Corrie
Greenwood, G. (Peterborough)
Grey, Rt. Hon. Sir Edward
Harmsworth, Cecil B. (Worc'r)
Haworth, Arthur A.
Hedges, A. Paget
Henderson, Arthur (Durham)
Henry, Charles S.
Higham, John Sharp
Hobart, Sir Robert
Hobhouse, Charles E. H.
Holland, Sir William Henry
Holt, Richard Durning
Horniman, Emslie John
Howard, Hon. Geoffrey
Illingworth, Percy H.
Isaacs, Rufus Daniel
Jones, William (Carnarvonshire
Kearley, Hudson E.
Kelley, George D.
King, Alfred John (Knutsford)
Lehmann, R. C.
Lever, A. Levy (Essex, Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lupton, Arnold
Lyell, Charles Henry
MacNeill, John Gordon Swift
MacVeagh, Jeremiah (Down, S.
M'Kenna, Rt. Hon. Reginald
M'Laren, H. D. (Stafford, W.)
Manfield, Harry (Northants)
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Marnham, F. J.
Mason, A. E. W. (Coventry)
Micklem, Nathaniel
Morgan, G. Hay (Cornwall)
Nicholls, George
Nicholson, Charles N. (D'nc'st'r)
Norton, Capt. Cecil William
Nuttall, Harry
O'Connor, John (Kildare, N.)
Pearce, Robert (Staffs. Leek)
Price, C. E. (Edinb'gh, Central)
Radford, G. H.
Rainy, A. Rolland
Richards, T. F. (Wolverh'mp'n
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, John H. (Denbighs.)
Robertson, Sir G. Scott (Br'df'rd
Rogers, F. E. Newman
Runciman, Walter
Russell, T. W.
Samuel, Herbert L. (Cleveland
Seely, Colonel
Sherwell, Arthur James
Silcock, Thomas Ball
Simon, John Allsebrook
Stanley, Hn. A. Lyulph (Chesh.)
Strachey, Sir Edward
Thompson, J. W. H. (Somerset, E
Ure, Alexander
Walton, Sir John L. (Leeds, S.)
Whitehead, Rowland
Whitley, John Henry (Halifax
Wilson, Henry J. (York, W.R.
Wilson, W. T. (Westhoughton)

Tellers for the Ayes—Mr Whiteley and Mr. J. A. Pease.

NOES.

Acland-Hood, Rt. Hn. Sir Alex. F
Arkwright, John Stanhope
Balcarres, Lord
Banner, John S. Harmood-
Bridgeman, W. Clive
Cave, George
Cavendish, Rt. Hn. Victor C. W.
Fell, Arthur
Forster, Henry William
Hay, Hon. Claude George
Hills, J. W.
Nield, Herbert
Pease, Herbert Pike (Darlington
Rawlinson, John Frederick Peel
Salter, Arthur Clavell
Valentia, Viscount

Tellers for the Noes—Viscount Turnour and Mr. Courthope.

Question put accordingly, and agreed to.

Bill read the third time, and passed.

CRIMINAL APPEAL BILL.

Lords Amendments considered.

Lords Amendments to the Amendment in page 3, line 6, agreed to.

Lords Amendment—

"In page 3, line 6, after the word 'appeal' to insert the words 'or upon the certificate of the Judge who tried him that it is a fit case for appeal."

The next Amendment read a second time.

Motion made, and Question proposed, "That this House doth agree with the Lords in the said Amendment."

*MR. CLAVELL SALTER (Hampshire, Basingstoke) moved that the House disagree with the said Amendment. He was sorry they were called upon to discuss such important matters at that hour of the morning, but he thought the House ought really to consider this proposed change in the Bill before agreeing to the Amendment. As the Bill now stood the appeal would lie by leave of the Court of Appeal, but if this Amendment were made an appeal would lie either by leave of the Court appealed to or by leave of the Court appealed from, and the result would be that every case of criminal trial which resulted in a conviction would as a matter of course end in application being made by or on behalf of the convicted man for leave to appeal, and the Judge who tried the case would be put in the very invidious and undesirable position of being called upon to give or refuse leave to appeal from the decision of his Court. No good purpose would be served, but very serious harm would be done by making the change which was proposed. Let them take the exceedingly rare case where the Judge who tried the case thought that the verdict of "guilty" was unjust. He did not ever remember a case in his experience, and certainly it was exceedingly rare, where after a summing up for acquittal the jury convicted. If there were such a rare case of a Judge who tried a criminal case thinking that the man before him had been unjustly convicted there would be no sort of doubt that he would avail himself at once of his right to report to the Court of Appeal in the matter, so that if in the opinion of the Judge who tried the case the conviction was unjust nothing was gained by making the proposed change. In the other case, where the conviction of the prisoner seemed just and proper to the Judge who tried the case, the prisoner would be refused leave to appeal and the convicted man would go to the Court of Appeal and ask for leave to appeal, with the added disadvantage that the Judge who tried him had refused leave to appeal and probably had taken occasion to say that he entirely agreed with the decision of the jury. Therefore, in the second case, no good purpose was served. Indeed, it would be against the interests of the accused. In the only other possible case, viz., where the convicting verdict of the jury appeared to be doubtful to the Judge, undoubtedly the Judge would always report to the Court of Appeal and there would be very few, if any, cases in which any conviction would ever stand on appeal if the Judge who tried the case expressed in his report any doubts as to whether the decision was right; but in cases where the Judge doubted, he ventured to think the Lords Amendment would be exceedingly undesirable and would extend the mischief which had always been his main ground for opposing the appeal on fact altogether—the ground that it would make it to the interest of juries to convict in doubtful cases because if they acquitted they had to take the responsibility—very possibly of letting loose a guilty man—whereas if they convicted they shifted the whole responsibility on other shoulders. The effect of the Lords alteration would be that the same danger would be incurred in the case of a Judge, especially a weak Judge, that he had tried to indicate in the case of a jury. A Judge who had any doubt as to whether a man was guilty or not, instead of summing up for an acquittal, as he would do in the ordinary course of things, would now be able to get out of his responsibility by summing up for a conviction and immediately giving leave to appeal. To do that would be to relieve himself of responsibility. The Judge would pose as a very broad-minded man ready to give leave to appeal, whereas, as a matter of fact, he would be a man who had in that way sought to shuffle out of responsibility. It was perfectly natural for a Judge who had expressed an opinion on a point of law to give leave to appeal without having the slightest doubt as to the soundness of his decision, but if on a matter of fact a Judge gave leave to appeal it would be immediately said that he was in doubt as to the justice of the verdict, and therefore a Judge in such a case would feel he must not give leave to appeal. It would place the Judge in an exceedingly invidious and unsatisfactory position, because if he refused leave to appeal it would be said he was hostile and biassed. If, on the other hand, he gave leave it would be immediately assumed by the Court of Appeal that the Judge was not satisfied with the verdict. Taking every possible case it appeared to him that nothing was gained by making the proposed alteration in the Bill. Nothing was gained in time or money. There was a certain amount of disadvantage to the accused person, and the Judge who tried the case was placed in a position which in a criminal case he never ought to be put in.

MR. RAWLINSON (Cambridge University) said he desired to support his hon. and learned friend on this point, and to add that this Amendment of the Lords would give rise to the very thing which the Attorney-General denounced in such strong terms in this House, viz., that in every case application would be made to the Judge. In every criminal case immediately a decision was given, wrangling would ensue as to whether leave should be given to appeal or not. He could not think in any way that this Amendment would be an improvement on the Bill as it left this House. He would venture to move an Amendment to the Lords Amendment — to alter the word "or" into "and" and to add the word "if." The word "and" alone would, no doubt, make it exceedingly hard to get an appeal, because the prisoner would have to get leave not only of the Court of Criminal Appeal but also of the Judge who tried the case. If there was any objection to the Amendment he was prepared to support his hon. and learned friend's Amendment. He thought it would appeal to the common sense of the House that the best tribunal to deal with an initial stage of that kind was the Home Office, who would have a Department for that kind of work. What would happen would be that the prisoner who was in gaol would be entitled to make a written statement. That would be all he could do, and that was all that was to go before the Court of Appeal. That was not a matter which could be dealt with conveniently in open Court. Such a statement must necessarily be of a rambling character and could not well be dealt with by three Judges. It could be dealt with very well by an office in the Home Secretary's Department, and the case would then be more thoroughly gone into. He submitted the Amendment as an alternative to the rejection of the Lords Amendment. He would prefer the Amendment to the rejection altogether of the Lords Amendment.

*MR. SPEAKER said he could not put the Amendment as he had already put the question that the House do agree with the Lords' Amendment.

SIR JOHN WALTON said he hoped his hon. and learned friend would not press his opposition to the Amendment. The matter was not a matter of principle but was a comparatively subordinate matter of procedure. The Lords had altered the clause in deference to the wishes of persons who were very largely experienced, and as it was a matter of subordinate interest he thought they should hesitate to disagree with the Amendment. He gathered that both his hon. and learned friends were not friends of the Bill, yet he was sure they would hesitate to send it back to the other House in such a way as seriously to imperil its being passed into law. All the Lords had done was this; as the Bill stood, in order to get leave to appeal it was necessary for a convicted person who wished to appeal to have recourse to the Court of Criminal Appeal only. The Lords were most anxious to diminish the number of applications to that Court, and with that object in view had introduced an Amendment making it optional for the accused person to apply to the Judge who tried the case to give him a certificate that he thought it was a fit case for appeal. That was to say that where there was room for doubt, and where the great importance and difficulty of the case made it a fit case for appeal, a certificate would be given, and having got the certificate it would not to be necessary to take the further step of asking the Court of Appeal for leave to appeal. There was a good deal to be said for that Amendment. It certainly was not moved in this House, though different Amendments were moved which he had not been able to accept. The Amendment seemed to do the Bill no harm and it might be reasonably considered to be a distinct improvement of the Bill. Having regard to the character of the Amendment he did not think they would be showing a proper regard, he did not say to the other House, but to the chance of the Bill passing into law if they allowed themselves to take the step of rejecting the Lords Amendment for the reasons which his hon. and learned friend had put forward.

VISCOUNT TURNOUR said that the case for the Amendment seemed to affect the whole principle of the Bill. It appeared from what the hon. Member for Basingstoke had said, that it would put on the Judge all the responsibility which the hon. and learned Gentleman in an eloquent speech, before the Bill went to the House of Lords, said it was desirable to take away from the Home Secretary. It appeared to be on all fours with the responsibility which the law at present put on the Home Secretary. The Home Secretary was not asked to decide whether the prisoner was guilty, but whether it was desirable to ask the Sovereign to exercise the prerogative of mercy. The Judge was only directed to say whether the case was a proper one for appeal, therefore, the Judge had the same kind of responsibility which it was deemed desirable under that Bill to take away from the Home Secretary. When they remembered what the Attorney-General said on another stage of the Bill there was every reason not to support the Lords Amendment. He was surprised at the very few words in which the Attorney-General had upheld the action of the other House in regard to the Amendment, for if ever there was a case of interference with a Bill, this was one. The Amendment was a very strong one, but the hon. Gentleman had given no reason why they should support it. All that had been said in support of it was that it would give them a better chance of passing the Bill. That showed a better spirit towards the other place than had yet been exhibited, but it seemed as though some reason should be put forward in support of the Amendment.

***MR. NIELD (Middlesex, Ealing)** said the Amendment cast on the Judge a very invidious duty, for unless they were to shut their eyes to an Amendment which followed just after, which limited the right of appeal to questions of law, they were faced with this difficulty, viz., that the Judge who had already directed the jury in his summing up of the case as to the law applicable to the issues of fact which they had to determine would under this Amendment be called upon to give a certificate that it was a fit case for appeal. In effect the Judge who had with great care and patience directed the jury on the law affecting the case only a short time before the verdict was to be asked to stultify his direction and to place himself in the undignified position of questioning the correctness of his interpretation of the law and ruling. He thought that the Amendment ought to be resisted.

The House divided :—Ayes, 90; Noes, 19. (Division List No. 434.)

AYES.

Acland, Francis Dyke
Ainsworth, John Stirling
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Benn, W. (T'w'r Hamlets, S. Geo.
Berridge, T. H. D.
Bottomley, Horatio
Bowerman, C. W.
Bramsdon, T. A.
Burns, Rt. Hon. John
Carr-Gomm, H. W.
Cleland, J. W.
Clough, William
Clynes, J. R.
Corbett, C H (Sussex, E. Grinst'd
Cowan, W. H.
Crooks, William
Crossley, William J.
Davies, Timothy (Fulham)
Dobson, Thomas W.
Duncan, C. (Barrow-in-Furness
Elibank, Master of
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Fiennes, Hon. Eustace
Fuller, John Michael F.
Gill, A. H.
Gladstone, Rt. Hn Herbert John
Goddard, Daniel Ford
Harmsworth, Cecil B. (Worc'r.)
Haworth, Arthur A.
Hedges, A. Paget
Henderson, Arthur (Durham)
Henry, Charles S.
Higham, John Sharp
Hobart, Sir Robert
Hobhouse, Charles E. H.
Holland, Sir William Henry
Holt, Richard Durning
Horniman, Emslie John
Howard, Hon. Geoffrey
Illingworth, Percy H.
Isaacs, Rufus Daniel
Jones, William (Carnarvonshire
Kearley, Hudson E.
Kelley, George D.
King, Alfred John (Knutsford)
Lehmann, R. C.
Lever, A. Levy (Essex, Harwich)
Levy, Sir Maurice

Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lupton, Arnold
Lyell, Charles Henry
MacVeagh, Jeremiah (Down, S.
M'Laren, H. D. (Stafford, W.)
Manfield, Harry (Northants)
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Marnham, F. J.
Mason, A. E. W. (Coventry)
Micklem, Nathaniel
Morgan, G. Hay (Cornwall)
Nicholls, George
Norton, Capt. Cecil William
Nuttall, Harry
O'Connor, John (Kildare, N.)
Pearce, Robert (Staffs. Leek)
Price, C. E. (Edinb'gh, Central)
Rainy, A. Rolland
Richards, T. F. (Wolv'rh'mp'n
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, John H. (Denbighs.)
Rogers, F. E. Newman
Russell, T. W.
Samuel, Herbert L. (Cleveland)
Seely, Colonel
Sherwell, Arthur James
Silcock, Thomas Ball
Simon, John Allsebrook
Stanley, Hn. A. Lyulph (Chesh.)
Thompson, J. W. H (Somerset, E
Ure, Alexander
Walton, Sir John L. (Leeds, S.)
Whitehead, Rowland
Whitley, John Henry (Halifax)
Wilson, Henry J. (York, W.R.)
Wilson, W. T. (Westhoughton)

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Acland-Hood, Rt Hn. Sir Alex F
Arkwright, John Stanhope
Balcarres, Lord
Banner, John S. Harmood-
Bertram, Julius
Bridgeman, W. Clive
Cave, George
Cavendish, Rt. Hn. Victor C. W.
Collins, Sir Wm. J. (S. Pancras, W
Courthope, G. Loyd
Dunn, A. Edward (Camborne)
Fell, Arthur
Forster, Henry William
Hay, Hon. Claude George
Hills, J. W.
Pease, Herbert Pike (Darlington
Rawlinson, John Frederick Peel
Turnour, Viscount
Valentia, Viscount

TELLERS FOR THE NOES—Mr. Salter and Mr. Nield.

Lords' Amendment—

"In page 3, to leave out lines 14 to 19."

The next Amendment read a second time.

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."—(*Mr. Bottomley.*)

MR. BOTTOMLEY said he begged to move that the House disagree with the said Amendment. The Amendment had the effect of cutting out altogether from the Bill the clause which it was his privilege to get into it, with the consent of the Government and of the House. The Lords proposed to omit entirely the provision that a person under the sentence of death should have free access to the Court of Criminal Appeal. He thought that the House was satisfied that the conscience of the country would consider the Bill unsatisfactory if any obstacle were placed in the way of a person under sentence of death being allowed to appeal. In a matter of that kind the interference of the Peers was a gratuitous interference with the wishes of this House. The Peers were not amenable to the criminal law, and he did not think they ought to submit to their intervention in a matter of that kind. The view of the Judges that the sense of responsibility of juries would be lessened was not worth arguing, for he did not think that any jury would lightly find a man guilty of a crime which would involve the sentence of death. He thought the matter was entirely one for this House, which provided the machinery for the Court of Appeal, to deal with. He did not think there was any need to consider whether appeals would be too frequently made. He proposed to restore his clause and he would suggest that the Attorney-General should provide for a verbal alteration, as otherwise there might be serious difficulty, for as the clause stood there was some doubt as to whether it would not include a person convicted upon an indictment for murder or manslaughter only.

*SIR JOHN WALTON said he hoped his hon. friend would not press his Amendment. The only result of the alteration the Lords had made was to restore the Bill to the form in which it came into the House and passed its early stages. After the Bill came back from Committee his hon. friend moved that in all capital cases there should be a right of appeal, and he was constrained to accept the Amendment. He did so because it might be considered to give a greater advantage to a criminal in a capital case. He was satisfied on reflection that no larger advantage was conferred on a criminal under sentence of death than on other criminals. His reason for that conclusion was that a prisoner who had been sentenced to death could appeal to a Court of Criminal Appeal for leave to appeal. That meant that he would be represented by his counsel, and the whole of the points that could be urged in support of the appeal would be urged by the counsel representing the accused prisoner and they would be heard *ex parte*. They would not be met by the prosecution, so that the accused prisoner would have every conceivable advantage in trying to satisfy the Court of Appeal that there was some doubt which would justify calling on the counsel for the prosecution for an explanation. He did not think the prisoner got any greater advantage under the clause the hon. Member now wanted to restore than he did from the Bill as it stood before. The prisoner was able to make his first impression without contradiction or opposition, and if there was any doubt the Court would call for the prosecution to make some explanation and they would appear through counsel. He did not think the accused person would suffer any disadvantage and consequently he urged the hon. Member not to press his Amendment.

*MR. BOTTOMLEY said that in deference to the hon. Gentleman, and only because he did not wish at this stage of the session to endanger the passage of the Bill, he would withdraw his Motion.

Motion, by leave, withdrawn.

Lords Amendment agreed to.

Subsequent Lords Amendment agreed to.

Lords Amendment—

"In page 6, line 12, to leave out from the first word 'and' to the word 'shall in line 14'"—read a second time.

*MR. CAVE (Surrey, Kingston) said he wanted to say a word about this Amendment. By the Bill as it stood the Judge or presiding chairman was to give a report in certain cases only, namely, in case of appeal against the sentence only, or where he thought it desirable in the interests of justice or was required to do so by the Court of Criminal Appeal. The Amendment would have the effect of insisting on a report in every case of appeal or application for leave to appeal. That placed a very heavy burden on Judges and chairmen of quarter sessions. The matter had been discussed in Committee and on other stages of the Bill, and the position as it stood before the Lords introduced that Amendment represented a very fair compromise. The general opinion of all experts in the matter was that it would be enough if reports were presented where the Judge or Court of Appeal thought that it was desirable. In his opinion where neither Judge nor Court of Appeal thought it necessary it would be superfluous that those reports should have to be furnished. He hoped the Attorney-General would say what his own view was in regard to the matter. At at present advised he was not prepared to accept the Amendment.

*MR. CLAVELL SALTER also opposed the Amendment, for he thought that the House of Lords were seeking to impose an unnecessary and unreasonable burden on Judges and chairmen. As the Bill stood there was provision for full reports in cases where they were required. They were to be given in every case of appeal against sentence, where the Judge who had tried the case thought it was desirable, or where the Court of Appeal desired it. The great majority of the applications for leave to appeal would be unsuccessful and the question was whether in such cases the Judge was to be called on in each case to furnish a report. That would be an exceedingly unreasonable and vexatious provision. They could imagine a chairman of quarter sessions or a Judge of assize at the end of a heavy day, when he had tried ten separate cases, called on to make ten separate reports which the Court of Appeal did not desire, and which would be of no use to anyone. He hoped the Attorney-General would ask the House to disagree with that

Amendment for he did not think that if the House disagreed with it any disaster could possibly arise.

Motion made and Question proposed, "That this House doth disagree with the Lords in the said Amendment."—(*Mr. Cave.*)

*SIR JOHN WALTON said he did not know whether the Amendment made in the Bill in the other House improved the Bill or otherwise, but it was a very small matter, for the only result of the Amendment was that the Judge or chairman of quarter sessions when he sent up his notes, would write upon them what his opinion of the case was. He might say, in doing so, that the case was perfectly clear, or that there was doubt about the evidence of some witnesses, or that for some other reason the verdict was open to some doubt. He had heard the arguments with regard to this matter in the House, and there seemed to be a very strong view that the Judge trying the case ought to express some opinion. He thought the Amendment might be a very useful one, but it was open to doubt, and certainly he would not feel justified in supporting the Motion.

*MR. COURTHOPE drew the Attorney-General's attention to the wording of the clause which said that the Judge "shall deliver his note on the case or upon any point in the case." The learned Attorney-General had told them how useful it would be to have the Judge's notes on the trial, but the Judge need not give them. If any point arose in a case he could give his note on that point, but he might not give them the note on the whole case which was really wanted. The Amendment they were now asked to accept was cutting out the words "if required." The effect would be to defeat the Attorney-General's own object. As the clause stood, the Court of Appeal could ask for and obtain what notes they wanted. If the Amendment was made it might be impossible for them to do so. Either those words at the end of that clause were not necessary at all, or else they were dangerous. He hoped the learned Attorney-General would give his careful consideration to that point.

Lords Amendment agreed to.

Subsequent Lords Amendments agreed to.

LIMITED PARTNERSHIPS BILL.

Lords Amendments considered.

First Lords Amendment agreed to.

Lords Amendment—

"In page 1, line 22, after the word 'partnership,' to insert the words 'shall not consist in the case of a partnership carrying on the business of banking, of more than ten persons, and, in the case of any other partnership of more than twenty persons,'

The next Amendment read a second time,

Motion made, and Question proposed, "That this House doth agree with the Lords Amendment." — *Sir* (*William Holland.*)

MR. CLAUDE HAY (Shoreditch, Hoxton) said that this Amendment seemed to be one of a most important nature, and they ought to have some explanation as to why the House should concur. As far as he could make out it broadened the scope of the Bill in a very important respect, as it applied to those engaged in banking certain conditions which might or might not be applicable to other forms of business, and on the other hand it proposed a limit of twenty persons in respect of a limited partnership when the question was not about banking. The House ought not to allow a drastic change of this character to be introduced at that stage of the Bill without being satisfied as to the effect of the change.

SIR WILLIAM HOLLAND (Yorkshire, W.R., Rotherham) hoped the hon. Member would not think it necessary to discuss this Amendment. These Amendments had been arrived at in a spirit of compromise and had been finally accepted by those in charge of the Bill, and no one knew better than the hon. Member who had just spoken of the great benefit which this Bill would be when it was passed into law. When the

Lords were considering the Amendment a number of leading bankers met the Committee in an interview, and as they all agreed in making this Amendment, he did not think it wise to interpose any objection, and he hoped the hon. Member would not resist the Amendment.

LORD BALCARRES (Lancashire, Chorley) said the hon. Baronet had told them that this Amendment was arrived at as the result of a compromise and of a discussion at which certain bankers were present, and that he hoped they would not discuss the Bill. After all, the Patronage Secretary and his colleagues had put this matter down for discussion. The Amendments might be splendid ones, but the hon. Baronet had not advanced one single argument in their favour except that they were conceived in a spirit of compromise.

VISCOUNT TURNOUR said the hon. Baronet seemed to be assuming the functions of the Government. This Amendment was of some importance, and he regretted that the representative of the Government, the President of the Board of Trade, whose business it was to deal with this subject, had not risen to reply. He thought it would be better if some right hon. Gentleman on the Government Benches gave an explanation of this Amendment. It was certainly strange to be asked to consider the whole of this Bill at twenty to four in the morning. He would imagine that never before had a Bill of that kind, after leaving the Lords, been considered at that time in the morning. As the Government had not answered, and as this Bill was of very great importance, and the Amendments were also of great importance, he must, with great reluctance, move that the debate be now adjourned.

*MR. COURTHOPE seconded. He said he believed this to be a very good and useful Bill, but there was no doubt that the Amendments they were asked to pass without discussion were very far-reaching and altered the Bill in many respects. They were at least entitled to have some explanation of them before they allowed the Bill to be placed on the Statute Book.

Motion made, and Question proposed, "That the debate be now adjourned."—(*Viscount Turnour.*)

THE PRESIDENT OF THE BOARD OF TRADE (Mr. LLOYD-GEORGE, Carnarvon Boroughs) said that this was a Bill of a private Member which had been carried through by agreement, and he believed had been endorsed by Members on both sides of the House. It was in no sense a Party Bill, and was not a Government Bill, but it had passed through the Lords, subject to Amendments. The Amendment under discussion was purely a modification. It was not, as the hon. Member for Hoxton seemed to think, a new clause. It was not the introduction of the question of limited partnerships to banking; it was simply providing a maximum, and, on the whole, it was a very reasonable provision for this reason, that if they went beyond ten it really ought to become a limited company.

MR. CLAUDE HAY said that neither the right hon. Genlteman nor the hon. Baronet had given an explanation of why bankers were to have this privilege under this Bill when the number was limited to ten. What reason was there that this number should be limited to ten in regard to bankers and not to others. All they had learned was that certain bankers were present in another place when the Amendment was introduced. They had had no intimation given them as to the value of the Amendment, and he could not help thinking that it must materially alter the scope of the Bill. He could not allow it to pass without protest, particularly as the hon. Baronet was not able to give any explanation on the subject.

*MR. NIELD said it seemed curious that on the 19th of August they should be taking Lords Amendments in such a docile spirit, and he supposed it was only because they wanted to get the House adjourned at a certain date. But it was an extraordinary Amendment to be introduced. What was in the noble Lords' minds when they made this Amendment he was at a loss to understand. Banking partnerships very often exceeded ten in number, and his experience was that they constituted a special branch of mercantile and commercial interests and one which did not require to be limited as proposed by the Amendment. He therefore hoped this House would assert its independence, and not accept an Amendment which would limit one of the most important branches of the mercantile community of this country in the way proposed.

*MR. CAVE said he did not agree with his hon. friend about this Amendment, because he thought there was ground for limiting the number of partners in a limited partnership. But apart from that he wanted to say something on the Motion for the Adjournment. He thought they were all willing to do a reasonable amount of work, especially those who took an interest in the somewhat technical Bills now before the House, but it was not reasonable to ask them to sit up all night for the purpose. They had already disposed that night of one Bill of great importance, and now they were upon another, and he understood that they were also to be asked to take up a third of very great importance. Had not the time come to say that at the end of this Bill they should adjourn and postpone the Companies Bill until it could be discussed when more Members were present? He was not at all opposed to proceeding with this Bill, as he was very much in favour of it.

THE PARLIAMENTARY SECRETARY TO THE TREASURY (Mr. GEORGE WHITELEY, Yorkshire, W.R., Pudsey, said the Bill now remaining on the Paper to which the Government attached most importance was the Companies Bill. The other four Bills, viz., the Limited Partnerships Bill, the Advertisements Regulation Bill, the Prize Courts Bill, and the Rule Committee Bill, were minor Bills, two of them being private Member's Bills, which had been starred in deference to a general desire on the part of the House. It did not matter to the Government if the Limited Partnerships Bill and the Advertisements Regulation Bill were dropped. The Prize Courts Bill was a matter to which the Attorney-General did not attach very much importance, although he would rather see it passed into law than abandoned. The Rule Committee Bill, being opposed, would be dropped altogether, but they must take the Companies Bill. It was not long or controversial, and would be very valuable. Almost all the Bills on the Order Paper the Government attached great importance to, and they were not going to relinquish them without the greatest struggle. He had not the slightest objection to passing over the Limited Partnerships Bill, the Advertisements Regulation Bill, the Prize Courts Bill and the Rule Committee Bill.

*SIR A. ACLAND-HOOD (Somersetshire, Wellington) really thought the Government were asking too much of the House. Since a quarter to four yesterday afternoon they had been engaged on most important Bills. First of all, there was the Transvaal Loan Bill and next the Third Reading of the Appropriation Bill, and although that Bill was as a rule a purely formal one, if the Government chose to have in their Appropriation Bill things which excited comment amongst those who were supposed to be their supporters, he was not responsible. The next Bill was the Court of Criminal Appeal Bill, one of the most important Bills the House could deal with, after which they proceeded to various business Bills, and then at four o'clock they were asked to go on with the Companies Bill. The circumstances attending the nomination of Members to serve on the Grand Committee which considered that Bill made it a farce for discussing it in Grand Committee, and now to ask the House to discuss it at that hour was making an absolute farce not only of the business of the House but of the country. The great bulk of the business men interested in the question were out of the House. This might be the Government way of doing business, but it seemed to him the Government were like a certain number of Cockney sportsmen who took a short lease of some shooting rights and shot at everything to make the best possible bag. Having fired blank cartridge at clay pigeons all through the summer, and having by the middle of August obtained what they believed to be a certain amount of proficiency, they went out and tried what sort of a bag they could make. When the Opposition complained of the Order Paper the Government had two arguments, one being that some of the Bills were old Bills and the others very small Bills. It amounted to this, that these gallant sportsmen took their preserve for a year and shot all the old hens not worth eating and made up the bag of what were called "squeakers." His sympathies were not with the right hon. Gentleman and his friend, but with the unfortunate beaters, who he observed were asleep. He must also give a word of sympathy to the hon. Gentleman the head keeper, the Patronage Secretary, who he trusted would get a good tip for what, he was sorry to say, had been a very indifferent season.

MR. FELL (Great Yarmouth) complained that on a former occasion the Companies Bill came on for Second Reading at one o'clock in the morning.

*MR. SPEAKER said they were not discussing the adjournment of the Companies Bill, but that of the Limited Partnerships Bill.

MR. HARMOOD-BANNER appealed to hon. Gentlemen below him to withdraw the opposition as regarded this Bill, which was greatly appreciated and had the approval of all the chambers of commerce throughout the country.

LORD BALCARRES said he did not know if his hon. friend was correct in saying that the chambers of commerce agreed with this Bill. They might have done so, but he did not know whether they agreed with the Amendments, and unless the hon. Baronet or the right hon. Gentleman the President of the Board of Trade were going to give them some assurance that they would treat the matter seriously, he thought they ought to press the Motion to a division.

MR. LLOYD-GEORGE: We will agree to the adjournment of the debate.

MR. GODFREY BARING (Isle of Wight) hoped the House would not agree to the adjournment of the debate. There had been a great deal of discussion over it, and he hoped the right hon. Gentleman would not give way to the somewhat factious opposition carried on by Members opposite. As regarded the remarks of the right hon. Baronet opposite, and his somewhat mixed shooting metaphors, he might inform him that it was not usual to shoot clay pigeons with blank cartridges and it required a very skilful sportsman to shoot a hen grouse.

MR. FORSTER (Kent, Sevenoaks) said it was perfectly true that this Bill was introduced as a Private Member's Bill and had been taken up by the Government, who were now responsible for it. It might be a good Bill or it might be a bad Bill, personally he believed it to be a good Bill, one of which the country would be glad, but that was no reason why the right hon. Gentleman who was now in charge of the Bill should preserve a silence which was most unusual when they were dealing with important Amendments brought into the Bill by the action of another place.

MR. LLOYD-GEORGE: We agree to the adjournment of the debate.

MR. FORSTER asked how the right hon. Gentleman knew that if he made a suitable explanation of the Amendment the Motion for the adjournment would not be withdrawn? What they complained of was the silence on the part of the right hon. Gentleman. It was really unreasonable. If this debate were to be adjourned and they were to go home, then there would be a unanimous desire, at any rate on those benches, to agree; but the right hon. Gentleman was only agreeing to adjourn the discussion in order to bring on a Bill of far greater importance—a Bill which really did partake in many respects of a controversial character, and the discussion on which was bound to proceed for several hours. He did not think it fair to keep the House in that way, and he hoped the Patronage Secretary might be induced to reconsider his decision.

MR. PIKE PEASE (Darlington) said that the Bill had been approved of by various Chambers of Commerce throughout the country. It had been in the House for nine years and the proceedings had been very lengthy. Last week they had sittings of forty-eight hours in four days, and that day they had sat for thirteen hours. It was unreasonable to hope to discuss a Bill such as the Companies Bill, which might reasonably take two or three days in the House at an ordinary time, after this Bill was finished. He hoped the Patronage Secretary would consider whether he could not arrange for the postponement of the Companies Bill.

COLONEL SEELY said that whatever was to be done in regard to the Companies Bill, he would add an appeal to what had been said before, speaking as a member of the Committee who considered the present Bill, that they should complete it that night.

MR. RUFUS ISAACS (Reading) also joined in the appeal that had been made for the purpose of preserving this Bill. He wished to say one word which would meet some of the objections that had been made. The Amendment which was inserted by the Lords with reference to banking partnerships was quoted almost verbatim from the fourth section of the Companies Act, in which there was the same intention that there could not be more than ten in partnership in banking. This Amendment of the other House was inserted for the purpose of meeting the provisions of the Companies Act.

VISCOUNT TURNOUR said he was quite willing to withdraw his Motion if the Patronage Secretary would give an undertaking afterwards to adjourn the House.

Question put.

The House divided :—Ayes, 51 ; Noes, 57. (Division List No. 435.)

AYES.

Acland, Francis Dyke
Adkins, W. Ryland D.
Arkwright, John Stanhope
Balcarres, Lord
Balfour, Robert (Lanark)
Berridge, T. H. D.
Burns, Rt. Hon. John
Cleland, J. W.
Clough, William
Cowan, W. H.
Crossley, William J.
Elibank, Master of
Fiennes, Hon. Eustace
Fuller, John Michael F.
Gladstone, Rt. Hn Herbert John
Goddard, Daniel Ford
Harmsworth, Cecil B. (Worc'r)
Haworth, Arthur A.
Hedges, A. Paget
Hobhouse, Charles E. H.
Horniman, Emslie John
Howard, Hon. Geoffrey
Isaacs, Rufus Daniel
Jones, William (Carnarvonshire
Kearley, Hudson E.
King, Alfred John (Knutsford)
Lever, A. Levy (Essex, Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
M'Laren, H. D. (Stafford, W.)
Manfield, Harry (Northants)
Morgan, G. Hay (Cornwall)
Nicholson, Charles N. (Donc'st'r
Nield, Herbert
Norton, Capt. Cecil William
Pearce, Robert (Staffs. Leek)
Pease, J. A. (Saffron Walden)
Roberts, Charles H. (Lincoln)
Russell, T. W.
Slater, Arthur Clavell
Samuel, Herbert L. (Cleveland)
Simon, John Allsebrook
Stanley, Hn. A. Lyulph (Chesh.)
Turnour, Viscount
Ure, Alexander
Walton, Sir John L. (Leeds, S.)
Whitehead, Rowland
Whiteley, George (York, W.R.)
Whiteley, John Henry (Halifax)
Wilson, W. T. (Westhoughton)

TELLERS FOR THE AYES—
Mr. Hills and Mr. Claude
Hay.

NOES.

Ainsworth, John Stirling
Banner, John S. Harmood-
Benn, W. (T'w'r Hamlets, S. Geo.
Bertram, Julius
Bottomley, Horatio
Bowerman, C. W.
Bramsdon, T. A.
Bridgeman, W. Clive
Carr-Gomm, H. W.
Cave, George
Cavendish, Rt Hn. Victor C. W.
Clynes, J. R.
Collins, Sir Wm. J. (S. Pancras, W.
Corbett, C. H. (Sussex, E. Grinst'd
Courthope, G. Loyd
Crooks, William
Davies, Timothy (Fulham)
Dobson, Thomas W.
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Everett, R. Lacey
Fell, Arthur
Fenwick, Charles
Ferens, T. R.
Forster, Henry William
Gill, A. H.
Grant, Corrie
Greenwood, G. (Peterborough)
Henderson, Arthur (Durham)
Henry, Charles S.
Higham, John Sharp
Hobart, Sir Robert
Holland, Sir William Henry
Illingworth, Percy H.
Kelley, George D.
Lehmann, R. C.

Lyell, Charles Henry
MacVeagh, Jeremiah (Down, S.
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Marnham, F. J.
Mason, A. E. W. (Coventry)
Micklem, Nathaniel
Nicholls, George
Nuttall, Harry
O'Connor, John (Kildare, N.)
Pease, Herbert Pike (Darlington
Price, C. E. (Edinb'gh, Central)
Rainy, A. Rolland
Rawlinson, John Frederick Peel
Richards, T. F. (Wolverhampt'n
Ridsdale, E. A.
Rogers, F. E. Newman
Sherwell, Arthur James
Silcock, Thomas Ball
Thompson, J. W. H. (Somerset, E.
Valentia, Viscount

TELLERS FOR THE NOES—Colonel Seely and Mr. Godfrey Baring.

Original Question put, and agreed to.

MR. RAWLINSON said that surely the division just taken showed without the slightest doubt that they ought not to undertake fresh work at that time in the morning.

MR. SPEAKER pointed out that the House had just decided that it would not adjourn.

Lords Amendment—

"In page 1, lines 24 and 25, to leave out the words 'incurred in the usual course of the partnership business by or on behalf'"—read a second time.

Motion made, and Question proposed, "That this House doth agree with the Lords in the said Amendment."

MR. CLAUDE HAY asked for an explanation as to why these words should have been cut out in another place. The hon. Baronet who introduced the Bill ought to explain what the Amendment involved, because it appeared to him to make very important changes in the Bill which would very seriously affect the conduct of business.

MR. LLOYD-GEORGE said the Amendment was purely a drafting Amendment and made no difference to the sense of the clause.

Question put, and agreed to.

Lords Amendment—

"In page 2, line 1, to leave out 'or undertake to contribute'"—read a second time.

Motion made, and Question proposed, "That this House doth agee with the Lords in the said Amendment."

*MR. CAVE said the effect of the Amendment was that whereas under the Bill a limited partner might either contribute cash or undertake to contribute cash up to a certain point under this Amendment the money must be wholly contributed in cash. The result would be that whether a firm wanted the whole of the sum which a partner had to find or not, the whole must be paid down in cash, and it would lie idle perhaps for some years instead of being more usefully employed. Unless some explanation was given he would vote against the adoption of this particular Amendment.

VISCOUNT TURNOUR said that unless some reason was given why this Amendment should be accepted he thought they had a right to object to it. The effect of the Amendment appeared to be that if a person entered into a partnership and put down £5,000 and undertook at the same time to put down £2,000 a year hence he would be prevented from doing so under the Amendment.

MR. LLOYD-GEORGE said the noble Lord had entirely misunderstood the Amendment. He (Mr. Lloyd-George) opposed this Amendment when in Committee upstairs, but it was purely a question of saving the Bill. There was some very considerable opposition at the time from banking Members in another place to these particular words. The effect of the Amendment would be to limit the operations of the Bill, though at the same time to limit them rather on the side of safety. If they insisted upon rejecting the Amendment it would have the effect of destroying the Bill, and hon. Members on both sides who promoted it did not wish to run that risk.

LORD BALCARRES said the Government a few minutes ago did not show any marked anxiety to save the Bill. As it was now being supported by the Government, and he claimed that it was their Bill, the responsibility must now devolve upon them. The Amendment was a thoroughly bad one, and might lead not only to considerable difficulties but to hardships. He did not know if the bankers had a better case on this than on the last Amendment, but if the House was to content itself with being told that bankers insisted on this, that, and the other Amendment it ceased to be a Bill with the object for which it was originally introduced, and became a Bill drawn up for the benefit of preventing competition with that interesting body of gentlemen.

MR. FORSTER said it was perfectly true that the President of the Board of Trade stated upstairs that this Amendment was undesirable, and that it might cause great inconvenience and possibly hardship. Yet this was a Government Bill, and the Government appeared to be the faithful servant of the hon. Baronet who sat behind the President of the Board of Trade. There never had been, since he was a Member of that House, such an exhibition of weakness and incompetence on the part of a Government, which apparently existed to do business between four and five o'clock in the morning, to comply with the wishes of one of its supporters.

MR. RAWLINSON asked whether there was any hon. Member who supported this Amendment, because if so he might let them know what was the position with regard to it.

MR. PIKE PEASE said he hoped the hon. Baronet would let them know what the position was, so that they could get on with the business.

*MR. BRIDGEMAN (Shropshire, Oswestry) said he was not particularly anxious that the Bill should pass, but he thought it was time that they should be told what this Amendment was. They had come to a state of affairs when it was impossible for them to do any business, as no one had advanced an argument for the Amendment, and he appealed to the hon. Baronet to explain the reasons for the Amendment.

SIR WILLIAM HOLLAND said that in his judgment adequate reasons had already been given for the inclusion of these words in the Bill, and if he went over the same ground again which had been traversed by the hon. Member for Kingston, or the President of the Board of Trade, his efforts would not appeal to more receptive ears than the previous explanation had. The case was in a nutshell. Under this Bill, as it originally stood, a limited partner might contribute or undertake to contribute a certain sum to the partnership. Some people said that an undertaking to contribute a certain sum to the partnership was not always equivalent to a real contribution, and they would rather have it in cash. Whilst it might limit in some cases the operations under the Bill, it was advisable in the interests of safety to insert it. He hoped that explanation would remove a very great anxiety, either real or feigned, on the part of Members on the other side, and would let them get on with the Bill.

* MR. CLAVELL SALTER asked what was the business reason for the Amendment?

SIR WILLIAM HOLLAND said the basis of a contribution was a cash basis. The basis of an undertaking to contribute was merely a promise which might not be carried out if a man became insolvent.

*MR. NIELD said the position of affairs was not a little curious. This Bill was the legislative infant of a private Member and as such had pursued its normal course through the session, but recently it had been taken under the wing of the Government, which became its foster mother. It appeared necessary that this infant must be carefully looked after and its teeth carefully cut, and yet the Government now stood by and saw its teeth being knocked out one by one. They were unable to give any explanation of the Amendment except that it was expedient to save the Bill. He dared say it was expedient, but what a strange position. The lion which roared in March in regard to the other House, was the lamb in August, prepared to accept anything which was done by that Chamber. He invited hon. Members on the Government side to take their courage in both hands. They talked much about the iniquity of the other Chamber and its alleged thwarting of the "people's will," but were, it appeared, quite prepared to be the humble servants of that Chamber when it suited them. The fact was that under the present rulers this House was both inexperienced and inefficient in regard to real and practical legislation.

Question put, and agreed to.

Subsequent Lords Amendment agreed to.

Lords Amendment—

"In page 2, line 6, after the word 'partnership,' to insert the words 'either directly or indirectly' "—read a second time.

Motion made, and Question proposed, "That this House doth agree with the Lords in the said Amendment."

MR. CLAUDE HAY said by this Amendment no partner was to be allowed to withdraw from the partnership directly or indirectly. How a man could indirectly withdraw his cash out of a business he did not know. He hoped he would have some explanation.

MR. LLOYD-GEORGE said the Amendment was to prevent money being paid out by indirect means.

Question put, and agreed to.

Subsequent Lords Amendment agreed to.

Lords Amendment—

"In page 2, lines 12 and 13, to leave out Sub-section (4), and to insert a new sub-section, '(4) a body corporate may be a limited partner' "—read a second time.

Motion made, and Question proposed, "That this House doth agree with the Lords in the said Amendment."

*MR. HILLS (Durham) asked what was the reason for omitting Sub-section 4. A man who entered a limited firm ought to tell his creditors that the firm with which they were dealing was not an ordinary firm but a limited firm. In an ordinary firm the creditors knew that they could not only go against the estate of the firm but also against the partners personally, but they could not do this in a limited firm, and this was a matter with which the public should be acquainted. This was a dangerous Bill. They might get partnerships formed by men of no means at all. The real partners who worked the business would be people who put some absurdly small sum into the firm; creditors would not know it was a limited firm and would have to whistle for their money.

MR. LLOYD-GEORGE said the words proposed to be left out were quite unnecessary and rather misleading. He supported the Amendment on drafting merits. After all it was not a limited firm in the real sense of the term. It was only limited to the extent of the liability of the particular persons who came within the purview of the Act. The firm itself might be quite unlimited in its liability. A man might be a partner and it might give a wrong impression to the general public as to the liability of the firm. Although they had this limited partnership in Germany and France these words were not used in those cases, and they would convey a wrong impression altogether here, and that was why they were omitted.

*MR. CLAVELL SALTER said that persons who formed a firm got credit upon the strength of the wealth and means they were known to possess. Members of the firm were liable in respect of the joint property, and aslo in respect of their separate property. Under this Act new bodies would be created, but to all outward appearance they would be an ordinary firm. They might be dealing with five or six people who appeared to be partners and to be responsible people. They would give them credit, and then find that only one—a poor one—was the real partner and that the others had only invested money. The position of a firm of this kind would be wholly deceptive, and he repeated that the principle was precisely the same as that of a limited liability company.

Mr. RIDSDALE (Brighton) agreed with the observations of the last speaker. This was a most important alteration. It was of the highest importance that people should know that it was a limited firm with which they were dealing. When they still further limited liability companies it was in the interests of traders to know that it was a limited liability firm. If they looked it up in the trades book and found that certain people were in the firm, they should also be apprised by the title of the firm that certain wealthy members of the firm had only got their private money in it. He also noticed that a new clause was added to the effect that a body corporate should be a limited partner. He wished to ask the right hon. Gentleman how the inclusion of a body corporate could possibly tally with the Amendments accepted by the Lords as to the limitation of the number of persons ?

Mr. LLOYD-GEORGE said that was a detail they would come to in the next question. The points were totally different.

*Mr. CAVE said that supposing a company wanted to limit their liability and not to let the world know it, all they had to do, if this Amendment were accepted, was to get one or two persons of no means to become partners with them under this Bill. They could trade with limited liability but without any intimation of that fact to the public. It was obviously an easy method of avoiding the Companies Act and opened the door to deceit. Why was it that they were told that if they disagreed with that one Amendment the Bill might be wrecked? He did not think that a single disagreement with the Lords would wreck the Bill. He thought it was a dangerous Amendment, and he hoped the House would be allowed to exercise its right and to say that in this particular the will of the Commons should prevail.

Mr. LLOYD-GEORGE by leave of the House, reverted to the second part of the Amendment, which, he said, was quite a different affair. It was clearly absolutely nothing to do with the Subsection 4, but a substitution of another subsection, dealing with quite another matter. His hon. friend the Member for Birkenhead was anxious that the provident societies should come within the Act. He thought it quite impossible now, as the Bill was a Private Member's Bill, to insist in regard to these Amendments. It might imperil the Bill at this period of the session.

Mr. HARMOOD-BANNER said it would be perfectly ridiculous to say that it constituted one man as a limited partner and the other two men as unlimited partners. As regarded a body corporate, he asked why should not a limited company put £5,000 or £10,000 into a concern in the same way as an hon.

Member might? If either of the partners put in that sum of money, as a sum of money to which his liabilities were limited, all the other partners' liability was absolutely unlimited. He thought the Amendment perfectly reasonable.

*MR. BRIDGEMAN said he did not think his hon. friend understood the section. A firm might contain any number of limited partners, but only one unlimited partner, who might be a man without any real interest in the business. It was rather difficult to discuss these two Amendments at once, but he understood that the only argument (in their favour) was the desirability of including bodies corporate. If the hon. Member for Birkenhead was so enormously interested in this matter, why was he not present? Personally he would far rather see the Bill lost altogether than see this Amendment carried. He hoped freedom would be given to hon. Members to vote as they liked.

LORD BALCARRES said that when this Amendment was accepted, the responsibility for this new form of firm contained in the words "limited firm" was removed. The hon. Baronet in his Bill added words which were obviously desirable. He contended that under the Bill they would be creating subordinate partnerships, and by so doing they might be doing a very grave thing as regarded the financial aspect of these new limited partnerships. He submitted that a good *prima facie* case had been made out at least for reconsideration.

MR. SIMON (Essex, Walthamstow) said that many of them were impressed with the force of the argument for retaining Subsection 4, but he was also in favour of the proposition to add the new provision that a body corporate might be a limited partner, though he thought the matter being put in a divided form might be a little difficult.

MR. GEORGE WHITELEY said he understood that a suggestion had been made whereby the House could adjourn. It was to the effect that this Bill and the Advertisements Regulation Bill and Prize Courts Bill should be taken to-night and that the Companies Bill should be disposed of in two hours as the first order of the day on Wednesday next. With regard to the Rule Committee Bill he understood that the Attorney-General left instructions to stop it altogether, but as there was a great deal of good in the Bill and there was a desire that it should not be stopped altogether, he would not drop it, but would carry it over until another day in the hope that some arrangement might be made whereby it might be passed.

SIR A. ACLAND-HOOD thought the House ought to divide on this Amendment, after which he was sure the Bill would go through that stage, and he also agreed that the Companies Bill should be taken as the first order on Wednesday, two hours to be taken as the approximate time.

MR. HILLS asked whether they could divide the Amendment into two parts.

MR. SPEAKER said he could do so.

Motion, by leave, withdrawn.

Amendment divided.

Motion made, and Question put, "That this House doth agree with so much of the Lords Amendment as proposes to leave out Subsection 4 of Clause 4."—(*Sir William Holland.*)

The House divided :—Ayes, 74 ; Noes 25. (Division List No. 436.)

AYES.

Acland, Francis Dyke
Ainsworth, John Stirling
Balfour, Robert (Lanark)
Banner, John S. Harmood-
Baring, Godfrey (Isle of Wight)
Benn, W. (T'w'r Hamlets, S. Geo.
Berridge, T. H. D.
Bertram, Julius
Bramsdon, T. A.
Burns, Rt. Hon. John
Carr-Gomm, H. W.
Clough, William
Clynes, J. R.
Corbett, C. H. (Sussex, E. Grinst'd
Cowan, W. H.
Crossley, William J.
Davies, Timothy (Fulham)
Dobson, Thomas W.
Duncan, C. (Barrow-in-Furness
Elibank, Master of
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Fiennes, Hon. Eustace
Fuller, John Michael F.
Gill, A. H.
Goddard, Daniel Ford
Grant, Corrie
Haworth, Arthur A.
Hedges, A. Paget
Henderson, Arthur (Durham)
Higham, John Sharp
Hobart, Sir Robert
Hobhouse, Charles E. H.
Holland, Sir William Henry
Horniman, Emslie John
Howard, Hon. Geoffrey
Illingworth, Percy H.
Isaacs, Rufus Daniel
Jones, William (Carnarvonshire
Kearley, Hudson E.
Kelley, George D.
Lehmann, R. C.
Lever, A. Levy (Essex, Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lyell, Charles Henry
MacVeagh, Jeremiah (Down, S.)
M'Laren, H. D. (Stadord, W.)
Manfield, Harry (Northants)
Markham, Arthur Basil
Marks, G. Croydon (Launceston
Marnham, F. J.
Nicholls, George
Nicholson, Charles N. (D'nc'st'r)
Norton, Capt. Cecil William
O'Connor, John (Kildare, N.)
Pearce, Robert (Staffs. Leek)
Price, C.E. (Edinburgh, Central)
Rainy, A. Rolland
Richards, T.F. (Wolverhampt'n)
Roberts, Charles H. (Lincoln)
Rogers, F.E. Newman
Russell, T.W.
Samuel, Herbert L. (Cleveland)
Seely, Colonel
Sherwell, Arthur James
Silcock, Thomas Ball
Stanley, Hn. A. Lyulph (Chesh.)
Thompson, J.W.H (Somerset, E.
Ure, Alexander
Whitehead, Rowland
Whitley, John Henry (Halifax)

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Acland-Hood, Rt Hn. Sir Alex. F.
Arkwright, John Stanhope
Balcarres, Lord
Bowerman, C. W.
Bridgeman, W. Clive
Cavendish, Rt Hn. Victor C. W.
Courthope, G. Loyd
Dunn, A. Edward (Camborne)
Fell, Arthur
Forster, Henry William
Harmsworth, Cecil B. (Worc'r)
Hay, Hon. Claude George
Henry, Charles S.
Hills, J. W.
Mason, A. E. W. (Coventry)
Micklem, Nathaniel
Nield, Herbert
Nuttall, Harry
Pease, Herbert Pike (Darlington
Rawlinson, John Frederick Peel
Ridsdale, E. A.
Simon, John Allsebrook
Turnour, Viscount
Valentia, Viscount
Wilson, W. T. (Westhoughton)

TELLERS FOR THE NOES—Mr. Cave and Mr. Salter.

So much of the Lords Amendment as proposes to insert a new subsection agreed to.

Remaining Lords Amendments agreed to.

ADVERTISEMENTS REGULATION BILL.

Lords Amendments considered, and agreed to.

PRIZE COURTS BILL.

Considered in Committee, and reported, without Amendment; read the third time, and passed.

ADJOURNMENT.

Motion made, and Question, "That this House do now adjourn,"—(*Mr. Whiteley*), —put, and agreed to.

Ajourned accordingly at twenty-four minutes after Five o'clock.

An Asterisk (*) at the commencement of a Speech indicates revision by the Member.

HOUSE OF LORDS.

Tuesday, 20th August, 1907.

PRIVATE BILL BUSINESS.

Local Government Provisional Orders (No. 1) Bill; Local Government Provisional Orders (No. 2) Bill. Reported, with Amendments.

Local Government Provisional Orders (No. 3) Bill. Reported, without Amendment.

Local Government Provisional Orders (No. 4) Bill; Local Government Provisional Orders (No. 5) Bill. Reported, with Amendments.

Local Government Provisional Orders (No. 6) Bill. Reported, without Amendment.

Local Government Provisional Orders (No. 7) Bill. Reported, with Amendments.

Local Government Provisional Orders (No. 9) Bill. Reported with an Amendment.

Local Government Provisional Orders (No. 11) Bill; Local Government Provisional Orders (No. 12) Bill. Reported, with Amendments.

Local Government Provisional Orders (No. 14) Bill; Local Government Provisional Orders (No. 15) Bill. Reported, with an Amendment.

Local Government Provisional Orders (No. 8) Bill (Unopposed Order). Reported, without Amendment.

Local Government Provisional Orders (No. 8) Bill (Chelmsford Order). Reported, from the Select Committee, with Amendments.

Local Government Provisional Orders (No. 10) Bill (Unopposed Orders). Reported, with Amendments.

Local Government Provisional Orders (No. 10). Bill (Bradford (Yorks) Order). Reported from the Select Committee, with Amendments.

Local Government Provisional Orders (No. 13) Bill (Unopposed Orders). Reported, without Amendment.

Local Government Provisional Orders (No. 13) Bill (Norwich Order). Reported from the Select Commiteee, without Amendment.

Prize Courts Bill [H.L.]; Dumbarton Burgh and County Tramways Order Confirmation Bill [H.L.]; Dumbarton Burgh Order Confirmation Bill [H.L]. Returned from the Commons agreed to.

Alexandra (Newport and South Wales) Docks and Railway (Additional Capital, &c.) Bill; Barry Railway Bill; Metropolitan Water Board (Various Powers) Bill; London County Council (General Powers) Bill. Returned from the Commons with the Amendments agreed to.

Local Government Provisional Orders (No. 1) Bill; Local Government Provisional Orders (No. 2) Bill; Local Government Provisional Orders (No. 3) Bill; Local Government Provisional Orders (No. 4) Bill; Local Government Provisional Orders (No. 5) Bill. Re-committed to a Committee of the Whole House To-morrow.

Local Government Provisional Orders (No. 6) Bill; Local Government Provisional Orders (No. 7) Bill; Local Government Provisional Orders (No. 8) Bill; Local Government Provisional Orders (No. 9) Bill; Local Government Provisional Orders (No. 10) Bill; Local Government Provisional Orders (No. 11) Bill; Local Government Provisional Orders (No. 12) Bill; Local Government Provisional Orders (No. 13) Bill; Local Government Provisional Orders (No. 14) Bill; Local Government Provisional Order (No. 15) Bill. Re-committed to a Committee of the Whole House To-morrow.

Inverness Royal Academy Order Confirmation Bill: Read 1^a; to be printed; and (pursuant to the Private Legislation Procedure (Scotland) Act, 1899), deemed to have been read 2^a (The Lord Hamilton of Dalzell), and reported from the Committee. (No. 192.)

Lanarkshire County Council Provisional Order Confirmation Bill [H.L.]. Read 3^a (according to order), and passed, and sent to the Commons.

METROPOLITAN WATER BOARD (CHARGES, &c.) BILL.

Bill read 3^a, according to order.

The Earl of WEMYSS moved to amend Clause 17, which ran—

> "Any builder being about to erect any building or part of a building who shall require

> a supply of water for that purpose shall be deemed to be the occupier of premises within the meaning and for the purposes of the section of this Act relating to "Supply by measure." Provided that if the Board so determine they may instead of affording the required supply by measure afford the same at a rate not exceeding seven shillings per hundred pounds of the probable total cost after making such allowance as the Board may think reasonable for decorative or iron or steel work not requiring the use of water,"

by altering the proviso so as to make it obligatory, on the application in writing of the builder, that he should be afforded the supply at a rate not exceeding seven shillings per £100 of the total cost of the buildings. He explained that he moved the Amendment on behalf of the Association of Master Builders of the Metropolis, and that the effect of it was to place builders back under the Bill in the same position as they were in at present as regarded the charges for water supply in the carrying on of building operations. He thought this a very important matter as it affected the cost of building, and cheap houses were very essential in the solution of the housing problem.

Amendment moved—

> "In page 9, lines 37 and 38, to leave out the words 'Board so determine they may' and to insert the words 'builder shall in writing so require, the Board shall.'"—(*The Earl of Wemyss.*)

VISCOUNT CROSS, as Chairman of the Joint Committee which considered this Bill, opposed the Amendment. He held that builders benefited enormously under the Bill, but, like Oliver Twist, were not content and asked for more. At present builders had no legal right to insist upon a supply of water in these cases, but the Bill gave them that absolute right, which was an important concession. The proviso in the clause as it stood was inserted after consultation with the master builders. The position taken up by the Metropolitan Water Board was that although 7s. per cent. might be a fair amount to charge in some cases, there were others in which it would be inadequate. The compromise in the Bill was the best at which they could arrive, and he hoped their Lordships would resist the Amendment.

*LORD ALLENDALE, on behalf of the Local Government Board, joined with Lord Cross in resisting the Amendment.

THE CHAIRMAN OF COMMITTEES (The Earl of ONSLOW), in opposing the Amendment, said the whole case had been gone into very carefully by the Joint Committee of both Houses, of which Lord Cross was Chairman, and he asked their Lordships to hesitate before lightly setting aside the decision thus arrived at. He did not think it was alleged that ample consideration was not given by the Committee to this question, and he ventured to think their Lordships would be undertaking a very serious responsibility if they upset the decision of the Committee on an *ex parte* statement.

Amendment, by leave, withdrawn.

LORD LUDLOW moved to amend Clause 29—

> "The rate for the supply by the Board of water for watering any of the Parks or Gardens situate within the limits of supply and maintained out of the public funds and the roads in any such Parks or Gardens shall notwithstanding any other provision of this Act be the fixed rate of sixpence per thousand gallons,"

by inserting after the word "funds" the words "or rates." The noble Lord was proceeding to state the case in support of the Amendment when,

VISCOUNT CROSS said it might save time if he stated his willingness to accept the Amendment, which was practically of a drafting nature.

LORD LUDLOW then formally moved the Amendment.

Amendment moved—

> "In page 14, line 25, after the word 'funds' to insert the words 'or rates.'"—(*Lord Ludlow.*)

On Question, Amendment agreed to.

LORD LUDLOW moved a new clause to provide that the annual value on which the water rate is chargeable outside London should be determined in accordance with the provisions of section 68 of the Waterworks Clauses Act, 1847, and should in no case be less than the rateable value according to the poor rate valuations. He said the relief given in the Bill to the area outside the metropolis involved a cost to London of about £40,000 a year, which was most unfair. The provision, as it stood in the Bill, was opposed in another place by the whole of the London Members and it was opposed also by the old London County Council which was Progressive, and by the new London County Council which was Moderate; and if their Lordships allowed the clause to remain unamended a great hardship would be done to London, and the districts outside would be relieved of a burden of which they had never complained. He recognised that if the Bill were amended now it might possibly be lost altogether, but he hoped the Government would give a pledge that they would deal with the question in a Valuation Bill next year. If that were done, it would meet the case.

Amendment moved—

"To insert the following new clause:—Notwithstanding anything in this Act contained the water rates shall continue to be payable according to the annual value of the house or building, or part of a house or building, supplied with water by the Board, and such annual value shall (except with the unions and parishes to which the Valuation (Metropolis) Act, 1869, extends) be determined in accordance with the provisions of section sixty-eight of the Waterworks Clauses Act, 1847, and shall in no case be less than the rateable value according to the poor rate valuations."—(*Lord Ludlow.*)

*LORD WELBY, while sympathising as Chairman of the Finance Committee of the Water Board with the Amendment, accepted the decision of the Joint Committee. The Finance Committee had differed from the Board upon the point under discussion, but they were overruled by the Board, and the decision of the Board had been upheld by the Joint Commiteee. The question had been very fully and fairly considered, and the decision of the Committee should be accepted frankly and fully. At the same time, speaking on behalf of the ratepayers of London, he would be very glad indeed if His Majesty's Government could give an assurance that in another year a Bill would be brought in by them to promote rating unification.

*LORD AVEBURY submitted that the Committee were quite right in the decision at which they arrived, and urged their Lordships, in the interests of justice to the outlying districts, not to alter the Bill as proposed. The outside districts had good cause to complain. They were paying more than they would have done if the Water Board had not been formed, and their wells and springs were being lowered to supply London with water. The matter had been very carefully considered by the Committee and he hoped the House would uphold their decision.

VISCOUNT CROSS explained that the Act which constituted the Water Board imposed on that body the obligation of introducing a Bill for the equalisation of the water rate throughout the area of supply, and the present Bill was in discharge of that obligation. The actual loss to London was not £40,000, as stated by the noble Lord, but £10,000. This was not a party question. The President of the Local Government Board spoke very strongly in favour of the Bill as it stood, and Mr. Walter Long, an ex-President of the Local Government Board, spoke equally strongly in its favour. The real point was what was best to be done, and the Bill as it stood was the result of the most careful deliberation. If the Amendment were carried the Bill would go to pieces. Of course the real solution would be a Valuation Bill, and this was pressed upon the Committee, who, however, could not deal with that question, which was one for the Government of the day.

*LORD ALLENDALE said the Local Government Board strongly supported the proposal in the Bill. It was the intention of the Government to introduce a Valuation Bill in a future session, and he hoped soon, although he could not pledge the Government to introduce such a Bill next year.

THE EARL OF ONSLOW opposed the Amendment. Although important as a matter of principle, the effect on the London ratepayer would be very small indeed. It was merely a question of £10,000, which was not more than one-sixteenth of a penny in the rate.

Amendment, by leave, withdrawn.

Bill passed, and returned to the Commons.

PETITIONS.

SMALL LANDOWNERS (SCOTLAND) BILL.

Petitions for Amendment of: of Orkney Landowners Association; Stewartry of

Kirkcudbrightshire Land Association; and Dumfriesshire Land and Property Association. Read, and ordered to lie on the Table.

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.

Petitions against: of Inhabitants of Whitley (signing); Members of Congregation of St. Bartholomew's, Salford; and persons signing (9). Read, and ordered to lie on the Table.

RETURNS, REPORTS, ETC.

REFORMATORY AND INDUSTRIAL SCHOOLS (IRELAND).

Forty-fifth Report of the Inspector, for the year 1906.

WORKMEN'S COMPENSATION.

Statistics of proceedings under the Workmen's Compensation Acts, 1897 and 1900, and the Employers' Liability Act, 1880, during the year 1906.

POST OFFICE.

Fifty-third Report of the Postmaster-General on the Post Office. Presented (by Command), and ordered to lie on the Table.

CLERGY (WEST INDIES).

Return of the amount payable on 5th January, 1907, out of the Consolidated Fund for ecclesiastical purposes in the West Indies. Laid before the House (pursuant to Act), and ordered to lie on the Table.

PUBLIC HEALTH BILL.

Report from the Select Committee (with proceedings of the Committee) made, and to be printed (No. 188). Bill reported with Amendments; and committed to a Committee of the Whole House on Friday next; and to be printed as amended. (No. 189.)

HOUSE OF LORDS OFFICES.

Report from the Select Committee made, to be printed, and to be considered on Friday next. (No. 190).

Criminal Appeal Bill; Limited Partnerships Bill; Advertisements Regulation Bill. Returned from the Commons with the Amendments agreed to.

BUSINESS OF THE HOUSE.

THE LORD PRIVY SEAL (The Marquess of RIPON): My Lords, as I think, and hope, we are now in sight of the termination of the session, I venture to ask your Lordships to allow me to move the Resolution which I have placed on the Paper, similar to the one that I moved last year, for the purpose of expediting business. I can assure your Lordships that I will not in any way make use of the power which this would give of passing Bills rapidly through the House, except in cases where that course is perfectly agreeable to your Lordships on both sides.

Moved, "That Standing Order No. XXXIX. be considered in order to its being suspended for the remainder of the session."—(*The Marquess of Ripon.*)

On Question, Motion agreed to, and Standing Order suspended for the remainder of the session accordingly.

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.

[SECOND READING.]

Order of the Day for the Second Reading read.

THE FIRST LORD OF THE ADMIRALTY (Lord TWEEDMOUTH): My Lords, the subject which I have to bring to the notice of your Lordships this afternoon is a somewhat trite one, and one that has been on many occasions the cause of debate in both Houses of Parliament. Between 1851 and 1889 you rejected the Deceased Wife's Sister Bill thirteen times. In 1883 you read it a second time, and in 1896, on the Motion of Lord Dunraven, it was read a second time by a majority of 38, the figures being 142 to 104; and the Bill was in that year passed through your Lordships' House to suffer extinction in the other House. In the House of Commons, during the fifty-eight years between 1849 and this year, the Deceased Wife's Sister Bill was carried by large majorities nineteen times. So, my Lords, it has been a subject of very constant debate in both Houses of Parliament for a very long time.

On this occasion the Bill has two novel features. In the first place, for the first time it becomes a Government measure and is in charge of a member of the Government. The second novelty is that the Bill is drawn up exactly on the lines of the Colonial Marriages Bill which passed both Houses of Parliament last year and made valid such marriages in the United Kingdom provided that the parties had a colonial domicile. I think that was a very long step towards what we are asking you to do to-day, and I trust that your action last year is a good augury for the passing of this measure into law. I should like very much merely to move the Second Reading of the Bill in a few sentences, but I see opposite some doughty champions who oppose the Bill, and I hear by my side the rustle of the white wings of the right rev. Prelates, which induces me to think they are anxious, as in the past, to smother the baby of which I have charge.

I must go shortly into the history of the Bill and of the law which we ask Parliament to amend by this Bill. In the Roman Catholic Church a marriage with a deceased wife's sister is not sanctioned by canon law, but at the Council of Trent in the 16th century this rather strong law was passed—

> "If anyone shall assent that only those degrees of consanguinity and affinity which are expressed in Leviticus can be an impediment to marriage and ground for its amendment, or that the Church cannot dispense with the prohibitions in any of the above degrees and create prohibitions in any other degrees, let him be anathema."

That law of the Roman Catholic Church has relieved Roman Catholics during all these years from any trouble on this question, because dispensations for these marriages can be had for the asking. As far as the English Church is concerned, the law up to 1835 depended entirely, in the first place, on the Acts passed in the twenty-fifth and thirty-second years of King Henry VIII. The first of those Statutes was repealed altogether, and the one passed in the thirty-second year of King Henry VIII. was modified in the time of King Edward VI. and repealed in Queen Mary's time, but was recalled and revived in Queen Elizabeth's time.

What was the condition under the law from the time of Henry VIII. to the year 1835? It was this. A marriage with a deceased wife's sister was not void, but was voidable at law at the instigation of anyone who had an interest in the matter. But not more than one per cent. of these marriages, I am told, were questioned in the Courts. There was an ingenious way of getting round the law. A person who married his deceased wife's sister and wished to be relieved of the anxiety that his marriage might be questioned, got a friend to bring an action, with which he did not proceed, and the Court ruled that the fact of that action being in existence debarred anyone else from taking proceedings. This went on until 1834 when the seventh Duke of Beaufort married, not his deceased wife's sister, but her half-sister, and he had issue of that marriage of whom the eldest son was the late Duke of Beaufort whom we all remember with affection in this House. It so happened that the seventh Duke of Beaufort had a brother, and this brother had a son who, if he had chosen to dispute the marriage, would have been the successor to the title. Being alarmed lest the succession should be disputed, the seventh Duke of Beaufort induced Lord Chancellor Lyndhurst to bring in a Bill to make all such marriages legal. But in Committee, on the motion of two right rev. Prelates, the application of the Bill was limited to such marriages as had taken place prior to 1835. So far as the Duke of Beaufort was concerned it did not much matter. He had secured for certain the legitimacy of his own son, and so was satisfied; but I think very great injury was done, and that was the view taken by the House of Commons when the Bill went down to that House. The action of the two right rev. Prelates was very much criticised, and the Bill was eventually passed only on the condition that the Government would, in the following session, bring in a Bill making lawful all marriages with a deceased wife's sister. However, nothing has been done since then. Opposition succeeded opposition, and I think a great deal of it has been rather of a small and sordid character; but here we are now, asking your Lordships in all friendliness to accept this Bill.

I think you will expect me to produce some authority in support of the view we take. I would allude first to the Royal Commission appointed in 1847 to inquire into the state and operation of the law of marriage. That Commission was a very strong one; it was presided over by the Bishop of Lichfield, and the members included Mr. Lushington, Mr.

Stuart-Wortley, and Mr. Vaughan Williams, all gentlemen in whom the highest trust was to be placed. In their Report these Commissioners say—

> "We do not find that the persons who contract these marriages, and the relations and friends who approve them, have a less strong sense than others of religious and moral obligation, or are marked by laxity of conduct. Among the poorer classes of society we believe that in a great majority of cases where the sister of the deceased wife becomes an inmate of the house and the parties are not advanced in age the end of such a state of things is marriage or concubinage. The constant and familiar intercourse, the want of separate accommodation, and the entire privacy give rise to feelings which in the ordinary course of things naturally would produce the consequences we have stated. Where a poor man with a family has the misfortune to lose his wife, some assistance for his domestic concerns becomes indispensable, assistance, too, for which he cannot afford to pay and which must be rendered immediately. All circumstances and all feelings point to the sister of the deceased wife, and when once she becomes a permanent inmate, the result in this class is almost invariably cohabitation with or without the form of marriage."

It seems to me that you could hardly have stronger authority than the authority of that Commission.

These marriages are legal in every country in Europe, in the United States, and in all our Colonies, and we ourselves have given our consent to that arrangement in the Colonies. All the civilised world acknowledges now the legitimacy of a marriage with a sister of the deceased wife. Let me quote one or two more authorities. I think your Lordships will agree that Judge Hannen, who was President of the Divorce Court, is a pretty good authority to quote. He asserted that his long, and, it may be unique experience of the revelations of his Court left the deceased's wife's sister unscathed, and to that extent implied that she was amongst the purest of her sex. Then let me say that both Cardinal Newman and Cardinal Wiseman were in favour of this proposal, that the great Scottish divines, Dr. Chalmers and Dr. Norman Macleod, were equally in favour of it, and that Dr. Adler, who was Chief Rabbi at the time of the 1847 Commission, said in evidence—

> "The marriage of a widower with the sister of his deceased wife is not only not considered as prohibited, but it is distinctly understood to be permitted, and on this point neither the Divine Law, nor the Rabbis, nor historical Judaism leave room for the least doubt."

And he went on to say that these marriages were proper and laudable, and that when there were children the usual time for Jews remaining in widowhood was specially abbreviated to allow of more rapid marriage. Then, again, there is Justice Story, the great American authority. He says—

> "In most of the American States marriage between a man and the sister of his former deceased wife are not only deemed in a civil sense lawful, but are deemed in a moral, religious, and Christian sense lawful and exceedingly praiseworthy."

The opponents of this measure generally raise three objections—that to legitimise such marriages would be sinful and contrary to the law of God; that it would be contrary to all canons laid down by Church law; and that socially and domestically it is against all expediency. As to the first objection, I do not know exactly what the law of God is, or where we are to go for it; but even the opponents of the Bill, I understand, rest their case on certain passages in Leviticus. This question comes up very clearly in one verse of Leviticus. I have here the Authorized Version of James I., the Revised Version of Victoria, the Hebrew Version, the Greek Septuagint, the Latin Vulgate and the Luther translation. I am not going to read all these to your Lordships, but I will read the one in the ordinary Bible of James I.—

> "Neither shalt thou take a wife to her sister, to vex her, to uncover her nakedness, besides the other in her lifetime."

All other translations exactly agree, that the disability only arises during the lifetime of the wife and that directly the wife is dead the man is free to marry his deceased wife's sister. I think there are other cases worth bringing forward. There is the fact, which you will all remember, that Jacob took two sisters to wife when they were both alive. In addition, there is a passage in the 22nd Chapter of Matthew:—

> "Master, Moses said, if a man die, having no children, his brother shall marry his wife, and raise up seed unto his brother. Now there were with us seven brethren; and the first, when he had married a wife, deceased, and, having no issue, left his wife unto his brother; likewise the second also, and the third, unto the seventh."

Indeed, the Mosaic law not only allowed the converse custom of a woman's marrying a deceased husband's brothers to the number of seven, if she had no issue, but enjoined that practice; and I think that is a much stronger case than saying that a man should be allowed to marry his deceased wife's sister. I quite admit that the Church of England has always forbidden this particular marriage, but both in the Roman Catholic Church and in the English Church before the Reformation a way was found in which to get out of the difficulty. To remove the prohibition would certainly, I contend, be in the interest both of social comfort and social morality, particularly in crowded centres like Manchester or Birmingham. Of all the marriages coming under the law of affinity I believe nine-tenths belong to this category, and for that reason alone I believe it to be desirable that we should make this change in the law.

In conclusion, may I assure your Lordships that in making ourselves responsible for this Bill the Government are actuated by no spirit of hostility towards any form of religious conviction, and have no desire to do violence to any conscientious scruples, however sensitive. All that we ask your Lordships to do is to permit those men and women who do not share such scruples and who do not accept the premises on which they are based, to obtain legal sanction, the sanction of civil law, for a form of union which conflicts neither with their own moral and religious code, nor with the general feelings of modern Europe, the United States, and our own self-governing Colonies. We do not ask that any man who regards marriage with a deceased wife's sister as incestuous or uncanonical or undesirable on any grounds whatever, should be compelled or even encouraged to abandon his principles in the matter. We wish to leave entire freedom of conscience to all individuals and to all Churches to maintain their beliefs, and to shape their conduct accordingly. But we claim an equal degree of freedom for those who take a different view, and we do not think it right that the civil law of the country should impose grave disabilities and hardships on a number of men, women, and innocent children, who are at present penalised solely out of deference to the theological opinions of a section of their fellow-subjects. It is not, I submit, an unreasonable contention that in questions of theology the civil law of the land should adopt an impartial attitude and leave full liberty of conscience to all shades of opinion, provided that its abstention from interference cannot be shown to entail serious dangers to the religious, moral, and physical welfare the community at large. I beg to move the Second Reading of this Bill.

Moved, "That the Bill be now read 2ª."—(*Lord Tweedmouth.*)

THE EARL OF SHAFTESBURY rose to move that the Bill be read a second time this day three months. The noble Earl said: My Lords, we once again witness a renewal in your Lordships' House of a campaign that has for its primary object an alteration in our marriage laws in the shape of a Bill to legalise marriage with a deceased wife's sister. I admit that this campaign has nothing of novelty to commend it to your Lordships, for the *pros* and *cons* of this proposal have been thrashed out time after time both here and in another place. Nor is there much to be said that is new in the matter. I believe most of your Lordships are hardy veterans in this contest, and I am content to rely on the old-established arguments, worn and familiar though they may be, for they have gained a freshness and vigour from the fact that we have enjoyed a long spell of inactivity in regard to this agitation. Those who, like myself, are opposed to any proposal such as that embodied in this Bill have come with renewed determination that, if possible, your Lordships should never consent to the change in the marriage law proposed and which we believe would be wrongful and pernicious, and fraught, both morally and spiritually, with endless possibilities for evil.

In leading off the opposition to the Second Reading, I need not do more than quote the title of the Bill—

> "An Act to amend the Law relating to marriage with a deceased wife's sister,"

for ground upon which to base a Motion for its rejection. It is said that the result of the Council of Trent was to make such marriages legal in the Roman Catholic Church, but a dispensation which is granted on special grounds is entirely different in effect from an abolition of the prohibition and constitutes no argument for an abolition. The noble Lord cited Lord Lyndhurst's Marriage

Act of 1835 as an Act making marriage with a deceased wife's sister impossible in future. But I read that Act in a totally different way. Lord Lyndhurst's Act made no difference in the table of prohibited degrees. All that it did was to make it more easy than before to detect and annul unlawful marriages. Up to the passing of Lord Lyndhurst's Act marriages within the prohibited degrees were what lawyers call "voidable." That is, though they were unlawful, yet the unlawfulness had to be proved during the lifetime of both parties, while if this proceeding were neglected, no proof could be offered after the death of the man or the woman. The trick resorted to was to set up a collusive suit, which was kept simmering till one or both of the couple died, so as to shut out any real action. Thus the man might marry his nearest of kin, and, by keeping up a collusive suit, he might have prevented the horrible union from being voided. All that Lord Lyndhurst's Act did was to put a stop to this great scandal by declaring all such marriages void for the future, so that they could be attacked whether the offending couple were still alive or not.

A good part of the argument of the noble Lord who moved the Second Reading of this Bill seemed to be built on a desire that those who had deliberately broken the law should have their offence condoned and the slur of illegitimacy removed from their children. This Bill is a hardy annual, and it is brought forward under the attractive guise of satisfying the poor man's needs. But there is, I maintain, no real or positive proof that the change in the law proposed by the Bill will be welcomed by the mass of the people of this country. On the contrary, I honestly believe that, if this matter could be settled by means of a referendum to the people, the Bill would be rejected by a vast majority. I do not think it is any exaggeration to say that where one petition during all the long history of this controversy has been presented to Parliament in its favour, at least ten have been received against it; and I think I am accurate in stating that during the passage of the Bill through the House of Commons only one petition was received in its favour while 159 petitions, representing 7,000 signatures, were received against it.

So far as this is a poor man's question, I believe the poor man's interest is to retain the law as it is. Let us examine what the position of the poor man would be in the event of this change taking place. Take, for example, a poor man living with his family in two rooms. In the event of that man's wife dying, to whom is he to look for assistance? The wife's sister, by reason of this change in the law, would be debarred during his privation and bereavement from going to him; if she was living in the house at the time she must, out of decency, leave at once; and the direct consequence of any such change in the law as is now proposed would be to force the man to marry the deceased wife's sister if she was to remain in the family with him. But suppose neither party has any desire to marry the other; the indirect consequence of this Bill would be to force them to marry forthwith without regard for the sister's feelings or respect for the dead wife. I maintain that it is the poor man's interest to maintain the law, if only to enable him to have the loving services which his sister—and she is his sister and is always recognised as such—can so well bestow.

I have a case in point, but it cannot be cited as a poor man case. In my own native village in Dorset one of my tenant farmers had the misfortune to lose his wife when his children were still young. The wife's sister came to live with him, and has combined the faithful services of of a second mother to his children with all the advantages of housekeeper for the man, and thus the happiness of the home has been maintained ever since. If you ask them whether they want any change in the law, I can vouch what their answer will be. That is one case, but I am convinced that there are endless cases of a similar character thoughout the country. Another well-known argument always raised was the position of our kith and kin in His Majesty's Dominions beyond the Seas, who, under their own enabling laws, had married their deceased wife's sister, but who found, when they came to be domiciled in this country, that not only was their position as man and wife not permitted by the law, but also that their children were not recognised as legitimate by the law governing the whole land. But a Bill has been passed by Parliament to remove that disadvantage, and no opposition was offered to that Bill on the direct understanding that it should in no way affect the law in the Mother Country.

Now what are we told? A new kind of Imperialism is brought forward, and we are told that it is absurd to have one law governing marriage with a deceased wife's sister in one part of the Empire and another law in another. I submit that that is carrying the feeling of Imperialism much too far. Can any sane man argue that because the Colonies have seen fit to break through the barrier of affinity laid down by the Church and to allow marriage with a deceased wife's sister, we, because we are part of the Empire, must do likewise? Can any sane man allow that the Mother Country is to be bound by any legislation that the daughter States may see fit to adopt, or *vice versa*? I believe that one of the great dangers of any change in the law lies in departing from first principles. Once break through the table of affinity and where will you stop? It is frequently said that consanguinity alone is to be the limit imposed on marriage. If that argument is to hold good, where are we to find ourselves? It would then be possible for a man to marry even his wife's daughter or his father's wife. Once you destroy the great principle and open the door, you encourage a dangerous school of thought that may end in utterly destroying the purity of the home life of the people of this country.

It is the sanctity of home life, and the peace and purity of the English home, which are threatened by this Bill. It is essential to the peace and purity of the home that the husband's relations shall be regarded as the wife's and the wife's as the husband's; and the unquestionable result of a change of this sort would be to deprive every husband of his natural right to regard his wife's sister as his own and to inspire in every wife a feeling of suspicion and jealousy towards her own sister. What is the opinion of women on this matter? I believe the opinion of women is worthy of very careful study and consideration, for it seems to me that the Bill affects women just as much as, if not more than, it does men. Only a year or two ago the signatures of 50,000 women were attached to a petition received by Parliament against this Bill. Women must see the absurdity of a Bill which allows a man every freedom to marry his deceased wife's sister, while at the same time it denies to women the privilege of marrying their deceased husband's brother. I am convinced that women have a far deeper realisation of the sanctity of the ties of affinity in marriage, and I am perfectly convinced that most of them regard a desire to marry a deceased husband's brother with distinct aversion.

There is one new feature connected with this Bill which the noble Lord the First Lord of the Admiralty mentioned and which I cannot allow to pass unnoticed—namely, for the first time in all the long history of this controversy a Bill to legalise marriage with a deceased wife's sister has received the official impress of the Government of the day. We were told that by the noble Lord who moved the Second Reading, and I understood it must be so from the fact that a private Bill of this controversial nature has been passed through all its stages in the House of Commons, even in the present congested state of public business. Therefore I say that a terrible responsibility rests on His Majesty's Ministers. Not only are they encouraging one law of the State as against another of the Church, but they are joining in a direct attack upon what has been the Christian law of marriage in the Church from the very beginning.

Lastly, there is the ecclesiastical and the spiritual side of this question, on which I must say a few words before I sit down. Are we, my Lords, to barter away the heritage that has been received by us from successive generations of faithful members of the Church, and to do so for what, to me, can never be the common good? What is to be the attitude of the clergyman of the Church of England, who, by the precepts of his Church, can never countenance a marriage of this description? What is his attitude to be to one of his flock who may have been living, in the clergyman's view, in sin and who goes to him and asks to partake of the Divine Mysteries? I say that the sanctity of Christian marriage is at stake, and I think we have every reason to infer from Holy Scripture that the husband's relations should be the wife's and the wife's should be the husband's. I feel that the efforts I have made to put before you the other side of the picture, the side that holds out to you the danger of any change in the law of marriage, leave a great deal undone; but I make this one appeal to your Lordships to pause before it is too late and before you lay a hand upon the inheritance which has been handed down to us through generations of faithful members of the Church. And may I, in conclusion, quote the words which my grandfather used in one of the many speeches he made on this question? He said—

> "In view of the terrible issues that lie before us, it is, I say, our duty at all cost to resist, even to the extinction of the House of Lords."

I beg to move.

Amendment moved—

> "To leave out the word 'now' and to add at the end of the Motion 'this day three months."—(*The Earl of Shaftesbury.*)

*THE LORD ARCHBISHOP OF CANTERBURY: My Lords, I shall follow the example of the two noble Lords who have just addressed you, and endeavour to be brief. It may, I suppose, be almost taken for granted that every noble Lord has already decided on which side his vote will be cast, though when I consider how far-reaching and delicate are the issues involved, it is almost too much to expect that every man present has had the opportunity of thinking the question out adequately in all its incidences and consequences. There is a great temptation to treat it in the rough and ready way in which it has just been presented to the House, in its practical form, by the First Lord of the Admiralty—to say that all we are doing is to give people power to make these marriages if they like, that to object to them is only a piece of outworn ecclesiastical prejudice, and that the Bill can do no harm even if it does no good.

Familiar as it is, that rough and ready sort of argument wholly fails to cover the ground. The change it is proposed to make, if it were made, would upset a rule which has prevailed since centuries before the dawn of Parliament and the beginning of the monarchy of the United Kingdom, and which goes far back into the earliest history of Christian life. I do not urge for a moment that mere antiquity in a matter of this kind is in itself a proof that the rule ought not to be changed, provided always that the change, be it what it may, is made by proper authority and satisfies these conditions—first, that it is, in the largest sense of the word, a right thing, or, at all events, not a wrong thing in itself; secondly, that it is really and forcibly demanded, and thoughtfully demanded, by the people of these islands; and, thirdly, that the change is not liable to the difficulty that it would create evil or impose hardship greater than the alleged advantages it would bring.

We are told that the Bill before the House satisfies all those conditions. To me it literally does not seem to fulfil one of them. As regards its being right, or, at least, not wrong, in itself, that is necessarily to a large extent a question of opinion which must be based on theory rather than on evidence. We are of necessity compelled to conjecture rather than to know absolutely what would be the result to England's home life. We are not left so much to conjecture as regards what the women of England—and they, after all, are mainly concerned—really wish about it, for, as Lord Shaftesbury, in his interesting and suggestive speech, has pointed out, the evidence so far as women have come into the arena is overwhelmingly antagonistic to the Bill. I quite agree that on these points different theorists come to opposite conclusions, but the preponderance of evidence of the advantage such a change would bring ought to be overwhelming and irresistible before it should lead us to take the extreme step of upsetting a rule which experience has held to be right practically through the whole history of Christendom.

I doubt whether anybody will deny that there are tens of thousands of people in England who believe our existing rule to be, in its clear, consistent principle, based on the general teaching of the Word of God about marriage. For a good many of us that is enough. I am not speaking of Mosaic regulations or of particular texts in the Old or New Testaments. I respect what great authorities have said about them—I entirely accept the well-known interpretation of the verse in Leviticus to which the First Lord of the Admiralty referred—but I, personally, think it a mistake to rely in any literal sense upon such texts as decisive. What I rely on is what may be called the common judgment of Christendom, based on Scripture, and justified by Christian experience.

To my mind it is impossible to study the teaching of the New Testament about marriage and, above all, the words of our Lord, and not to feel that the conclusion they lead us to is clear. They lay for us a solid basis on which the Christian marriage rule has been rightly constructed. What is that rule? It is that a man is barred, not only from marrying his own near blood relations, but also his wife's near blood relations, say, to take an extreme case, his step-daughter, or his wife's mother. Once you admit that affinity, as well as consanguinity, is to be a bar at all then I maintain that the argument for leaving the law as it stands becomes almost irresistible. I do not contend that to violate the law of affinity is anything like being so bad, so terrible, as violating the law of blood relationship; I do not contend that the different cases of affinity are all on a level as regards their gravity. But I do maintain that if it scandalises you, as it does, to think of a man marrying his wife's daughter, his wife's mother, or his own step-mother, you will find it extraordinarily difficult to lay down any coherent, intelligible, and consistent rule other than the existing Christian marriage law of England. The older Christian countries are, in my judgment, in a special degree the trustees of that high and sacred inheritance; and I, for one, will not willingly tamper with it, believing in my heart that in the wide and weighty sense of the word, the sanction on which it rests is Divine. I apply to it words used in a different connection—

> "We do it wrong, being so majestical,
> To offer it the show of violence."

When we descend from those large principles to the lower, but not less sacred, level of what is called expediency, we are always met by the argument about the wife's sister being one of the most natural protectors of the motherless children. I wholly agree, and, like many other men and women, for that very reason I deplore this proposal. Looking back along the experience of a busy life, abundantly and continuously in touch with the homes of the poor as well as the homes of the rich, I say unhesitatingly that, so far as I can judge, for one case in which you would by such a change as this help the widower's children to find a new mother in their aunt, you would hinder them five or ten times. You would hinder it by keeping away from the home a young woman who would rightly feel that her continuous and responsible residence there was impossible if she were in what is called marriageable relationship to the widower over whose home she was presiding.

We are constantly reminded also that such marriages are allowed in other lands, notably in Germany, in the United States, and in our own Colonies. I have no wish to say any disrespectful word of these countries; but I am not one of those who wish to substitute the German system of home life for the English system as regards the position and dignity of woman. I decline therefore to admit as adequate reason, or as any reason, for a change of this sort that we should thereby approximate more closely to German usage and German law.

I turn next to the United States. We can learn much from the citizens of that great Republic. I speak too from grateful personal knowledge when I say that in no part of the world can we find more beautiful examples of a pure and lofty home life than in the United States; but it is precisely in those American homes to-day that you will hear it said sometimes with genuine apprehension that the weakest part of their domestic legislation, whether State or Federal, is the present condition of the American marriage law. So intense is the feeling on the subject, that it has been found necessary to form a National League for the Protection of the Family, and the League has received the support of some of the most thoughtful and influential of public men. You may remember Mr. Gladstone's solemn warning a few years before his death — a warning whose special significance in a matter of this kind is not less because he himself had been induced at length to favour a Bill of this kind—as to the alarm with which he viewed some of the American laws regarding marriage, and his fear that they might tend to alter and debase the whole idea both of marriage and of family life. No, my Lords, it is not in the department of marriage legislation that we are to make the United States our model.

Then as regards our Colonies. Our Colonies are young and eager, and their home life in a sparse population is subject to conditions other than our own. They have made experiments legislative, social, educational, fiscal, which we are not called upon to follow. By our legislation last year, in favour of which I spoke and for which I cordially voted, we removed every vestige of disability or hardship which could press in England upon those who had been thus married in the Colonies. I would remind Lord Tweedmouth, when he urges what was done last year as a reason why we must now go further, that the noble Earl the Secretary of State for the Colonies in introducing that Bill last year warned us in express terms which were endorsed by the Lord Chancellor against being led away by the argument that such a use might be made of that Bill. Each of them assured us that it would not be so used, because the two things had nothing to do with each other. The legislation of the Colonies in relaxation of the ancient marriage law is very recent. It is far too soon yet to argue from experience as to the results and the working of the change. I confess I heard with some surprise from those who were declining a few months ago, rightly as I think, to be led by the Colonies on the path of fiscal change, the argument that it is the Mother Country's duty now to follow those young communities in a matter so intimately affecting our social and domestic life.

I pass to the question, Is this change really demanded by the people of these islands? I firmly believe it is not, It is true that in successive Parliaments there have been votes in favour of the measure after discussions in which, latterly at least, those who have advocated the change have been almost supercilious in the brevity of their remarks. But will the firmest believer in Parliamentary mandates maintain that it has been declared outside, in the country, to be at all the clear wish of the people of England, and, above all, of the women of England, that this change should be made? So far as I can judge, nothing of the sort has never been so declared. I was at the pains some time ago to examine a large number of Parliamentary election addresses, and I could find not the remotest allusion to this question, either on the one side or on the other. A friend of mine has been examining a series of election speeches with precisely the same result. I do not attempt to prove a negative, and say that no such reference can be unearthed. I only say I have failed to find it. There is no popular feeling, far less any popular enthusiasm, in the country upon the subject. It is a matter of common notoriety that the greater number of those who voted for this Bill in the Commons will tell you that they do not really care much about it, but that, on the whole, as the Bill is only permissive, and does not affect many people it is just as well that the permission should be given. There is no such pressure outside as to warrant anybody in saying that the people of England are calling for a change.

Although it may sound paradoxical to say so, the very fact that the Bill has been so long before Parliament, and has been so often accepted by the House of Commons tells a little the other way. If the feeling outside had been genuine and hot, would the Bill not have been taken up by one Government or another in the last quarter of a century? Yet year has followed year, and decade has followed decade, and until this week no Government has felt that the Bill had such a backing outside as would justify their taking it up, even with a House of Commons majority in its favour. Even now it is not quite clear whether this has become a Government Bill or not. Four nights ago the Lord Privy Seal said it was not a Government Bill, but that the Government merely intended to give it facilities. To-night the Second Reading has been moved by the First Lord of the Admiralty. To justify a legislative change of this magnitude, far further reaching than its advocates realize, the outside demand ought to be overwhelming; and at present, except on the part of a deeply interested few, there is, to the best of my belief, no such demand, while it is absolutely certain that there are many thousands in England to whom the passage of the Bill would bring the keenest possible distress.

I ask in the last place, whether such a change will not bring about greater mischief and hardship than the supposed gain. I have said nothing about the extraordinary position of difficulty in which the clergy will be placed if the Bill becomes law while their canonical obligations remain unchanged. That is a Committee question on which I hope we shall not have to enter. I rejoiced to hear the First Lord of the Admiralty declare that the promoters of the Bill had no desire to do violence to any conscientious scruple; and should occasion arise I hope to be allowed to remind him of these words. To-night I would simply point out what intolerable confusion will be created if this particular prohibition is removed from the series while the others are allowed to stand. It can be defended neither by logical reasoning nor by common sense. Marriage with a deceased wife's sister is to be legalized, but not with a deceased husband's brother; with a deceased wife's sister, but not with a more distant relation, a wife's niece. Is there coherence or reason in such a position?

If you are prepared to sweep away the whole Table of Affinity and say only that there shall be no marriage between blood relations, then we shall at least understand the position, but I maintain that unless the whole were to be swept away, the drawing of a dividing line on any clear principle will be practically impossible. I beseech your Lordships to leave the marriage law as it is—a coherent, consistent whole, easily explained, easily understood, with the sanction of Christian centuries behind it and ratified by the experience of Christendom. If you wrench a stone from the carefully built and balanced structure, it will be vain to expect that it can continue to stand as now it stands; you will bring about consequences larger than are dreamed of and will inaugurate confusion and mischief which you will never be able to undo. I hope the House will not give the Bill a Second Reading.

LORD JAMES OF HEREFORD: My Lords, I am sure that in what, I hope, will be the concluding period of this long-sustained controversy we shall observe two things—brevity in consequence of the many previous discussions, and full consideration towards the opinions of those who are opposed to us. Those who have listened to the speeches of Lord Shaftesbury and the most rev. Primate have had placed before them a full example of the moderation with which the controversy, acute as it is, should be conducted. I feel very deeply on this question, regarding it as a practical question; and I would remind your Lordships that as late as the year 1896 this House, by a considerable majority, determined that this law, not the law of the Church but the law of 1835, should be repealed; and it is material to ask what has happened since then to justify your Lordships in nullifying the decision at which you then arrived.

The very arguments which the most rev. Primate has used to-night were used in 1896 by his illustrious predecessor, Dr. Temple, and the House gave its decision after having heard everything that was to be said from the Episcopal Bench. The proposition which was then put forward and is now put forward is a very simple one. In this country there are many persons in the relationship to which the Bill refers and who wish to marry, and the Statute law of the Realm declares that they shall not carry out their natural wishes. I venture to think that if a law intervenes between the wishes and tendencies of mind of individual citizens in the State, good cause must be shown. You must bear the burden of that proof. You have no right to control your fellow-creatures unless you can give good cause for your action. I understand, from the speech of the most rev. Primate, that the technical words in Leviticus are not relied upon. Then Scriptural authority goes. It is not sinful. These marriages are not condemned by Divine law. Having that admission——

*THE LORD ARCHBISHOP OF CANTERBURY: The noble and learned Lord must not take me as having made the admission in that form.

*LORD JAMES OF HEREFORD: I understood the most rev. Primate to say that the passage in Leviticus was not relied upon in the matter. Therefore I say that such unions are not condemned by Bible law. What, then, remains? It is said that the law of the Church is what we have now to follow, but this which is termed the law of the Church springs from the decision of a Diocesan Synod. The opinions expressed by the councils of the pre-Reformed Church are not recognised as law in this country. These decisions of councils may instruct us, but they are not law and are no more to be tolerated as having the effect of law than the opinions of Convocation. Guided by my own conscience, and seeking such guidance as will assist me, I protest against this country, blessed with the results of the great Reformation, going back to the opinions of the early Bishops and learned men of narrow views for rules as to what is right and wrong for the social life of to-day. What can be said on this ground to our Nonconformist fellow countrymen? How can they accept the opinions of a Church with which they have nothing to do, as guides in the law of marriage? There can be no law in this matter but the law of Parliament.

My noble friend Lord Shaftesbury, who has every right to speak in this matter, being the grandson of one of the greatest English citizens that ever lived, said, "Do not give away this heritage." What is this heritage? It is the Statute of 1835. That is all we are attacking. Is that Statute sacred? The noble Lord the First Lord of the Admiralty gave its history, and stated what took place before 1835. Prior to that year very few of these marriages were set aside; but in 1835 Lord Lyndhurst, having in his mind the interests of one man only and being moved by the Bishops, made such past marriages valid. Can you now say—and I appeal respectfully to those who sit upon the Episcopal Bench—that those marriages were sinful, were contrary to Divine Law, or had the taint of incest attached to them? My Lords, if that was so, what can be said of the Bishops—Bishop Philpot and Bishop Blomfield—who, with their own hands, wrote that these marriages, breaking that Divine Law—these incestuous marriages—should be good, valid, and binding for the sake of the history of the Church? Those Bishops — those illustrious representatives of your Bench—were admitting that marriages which were sinful, if not incestuous, should by Act of Parliament be rendered good and valid for all purposes. My Lords, I think it is a matter which cannot be passed lightly by. Bring against us what councils, and what authority, you like — we have the authority of the Episcopal Bench, which declared in modern times that these marriages should be good, valid, and binding.

Now when we thus get rid of the contention that these marriages are against the Divine Law, I hope that even in this House there will be no attention given to the authority of these local councils. I know, at any rate, that if weight be given to their authority here, no such weight will be given to their authority elsewhere. We shall be the only Chamber, and the only body, in which any weight will be given to the authority of Bishop Basil and those who sat around him.

But there is one great question which still remains for us to determine. Is it well—is it advisable—for us to reject the law—the practical law at any rate—which existed before 1835? The most rev. Primate has very fairly, I think, dealt with the subject. He says we have no proof that the people of this country wish for this measure. I will tell you what I think of the proof, but you cannot get it through the ordinary channels of expression. You cannot hold public meetings in favour of marriage with a deceased wife's sister. Who would attend those meetings? The unmarried — the single man — would scarcely go and throw up his hat, and say, "I want to marry the sister of a wife I have not got—a woman I have never seen and know nothing whatever about!" That would not create much enthusiasm. Then, is the married man to go to these meetings and say, "I want to marry my deceased wife's sister"? I should not advise him to go home very promptly after doing so. And if you take away the single man and the married man, you have only the widower left to go to these meetings, and to support this Bill. Is it likely that he would parade his wish at a public meeting? That is one mode of obtaining an expression of public opinion. Then you have another mode of ascertaining public opinion, which I think must come home to the minds of your Lordships. I may perhaps be permitted to call your attention to the fact that we still admit the House of Commons to be representative of the people, and in February of this year, after many

Lord James of Hereford.

affirmative approvals of this measure, it came again before the House of Commons. This is not a Party measure, and the great majority of three to one was secured in favour of its principle in the Conservative Parliament of 1900. Now came this division in February of this year. At that time, on a division taken in full House, only some seventeen Unionist Members voted against it. There were thirty-four Members in the Lobby, but seventeen of them were, I believe, Nationalists, and probably belonged to a different faith. There were only about seventeen Unionists who voted against the measure, and notice who those seventeen were. You do not find there one representative of any large town, or of any town where any considerable industry exists. The nearest approach was one of the tellers, Sir Francis Powell, the Member for Wigan, and every other industrial town sent its representatives to the other lobby, to vote in favour of the Bill. Where were the Leaders of the Unionist Party? Where were those men, who are as anxious, no doubt, as Members of your Lordships' own House to listen to the voice of religion, the voice of sanctity, and the voice of morality? Where were those Leaders of the Unionist Party? They capitulated on behalf of their Party. Every Tory Member from a large town—every industrial representative of the Tory Party departed from the House, taking the brave course of not voting, and, as I say, capitulating in favour of us who are now appealing to your Lordships to pass this Bill.

This being so, why ask what public opinion is? You have gifted Conservative Members like Mr. Smith, on behalf of Liverpool, demanding this Bill; you have staunch Unionists like Mr. Jesse Collings pledging themselves to its necessity; you may go through every town, and you will find people everywhere telling you that they will have this Bill—demanding it as a matter of necessity, and above all as a matter of morality. Only one word more on this point. I first learned my lesson on this Bill when canvassing a provincial town from house to house. I can scarcely tell you how numerous were the instances in which I met a woman surrounded by children, and I would say to her, "I am sorry your husband is absent. Will you tell him that I called, and give him my message?" Then, after I had left, my agent would say, "Oh, that woman is not the man's wife; she is his late wife's sister; the wife died, and that woman came there to look after the children. He is a man earning 15s. or 16s. a week, and he cannot afford to pay anybody, and she was the only person to look after the children; but of course, the law does not allow him to marry her." I say that those instances are evidence of what the morality is which you are seeking, as you say, to establish by maintaining the law as it stands.

There were some objections made to this view, and I will refer to one or two of them. My noble friend Lord Shaftesbury spoke of these marriages as if they took place under conditions such as we read of in the fashionable intelligence of a newspaper. As if these working men could not marry except after a certain time! I assure my noble friend that such considerations do not at all trouble these working men. When they are left widowers, they have got their children unattended and uncared for, and it becomes necessary at once for someone to take the place of the dead mother. In a large number of cases the only woman able to take that place is the sister of the deceased wife, and at once that woman goes into the house, and how it is better for that woman to go unmarried into that house, instead of being married, has not been attempted to be shown either by Lord Shaftesbury or by the most rev. Prelate. It is often said that this Bill, if carried, will shut sisters-in-law out of a man's house. These statements are often made and never proved. Why does a woman who can marry a man go to his house, while the house is barred to the woman who happens to be his wife's sister? Why, every woman who goes to a man's house can marry him if his wife dies, and the knowledge of the fact does not keep them away. Yet that is the statement put forward, without any reason being given for it, except the vague assertions that in some way or other it is opposed to the interests of morality. If I may give my own experiences, I would say that mingling, as I have, for many years with the working men of this country, I have made it a rule to ask what they think on this subject; and I declare that out of the scores, and almost hundreds, whom I have asked, not one has done other than unhesitatingly say, "It would be a blessing to our people if we were sure that the children of our dead wives would be looked after." My Lords, I assure you that that is a testimony that has gone home to me far more than the hypothetical and theoretical arguments which have been addressed to your Lordships. I adopt my noble friend (Lord Tweedmouth's) quotation from the report which, I believe, was drawn by Bishop Lonsdale. But, may I point out to the most rev. Prelate that he never dealt with that report. It was carefully prepared after hearing Dr. Pusey, and after hearing witness after witness as to the effect of this law upon the poor man, and the case which was presented by those most learned Commissioners is the case which we respectfully present to you to-night.

My Lords, I do not know whether it is becoming in me—whether it will not be thought presumptuous on my part—to make a special appeal, but I will make it to those who sit upon that bench opposite. They are the very guardians of the Church. They are the guardians of a Church that is composed of a laity with its wants as well as of a clergy with very much learning. They have the care of their Church, and I know that they will seek, to the best of their ability, to conserve its best interests. My Lords, does it not occur to them that there is but one path of safety for them, the *prima via salutis*, and that path is the path that leads to the hearts of the people. And if they forget the great duty they owe to that people—if they stand athwart their path, and oppose the progress of this measure they will add nothing to the stability of our Church, and I fear, too, they will add nothing to the strength of this House.

THE DUKE OF NORTHUMBERLAND: My Lords, it is one of the disadvantages of this House that when those who sit upon this side of it take opposite views on a public question, there is sometimes great difficulty in hearing what is said, and I have been unable, in the course of the last ten minutes, to catch the whole of what fell from the noble Lord. Therefore if I misrepresent him in any way, I trust that my noble friend will forgive me. But I must congratulate him on one part of his speech, in which I think he used arguments which were some of of the strongest I have ever heard in favour of the thesis that the British public take no interest whatever in this question. He told us how, by overwhelming majorities in the House of Commons, and by dwindling minorities, this Bill had been passed. He told us — I am taking the statement from the noble Lord; I am not appropriating it myself—that we were deserted by our Front Bench—which, begging the noble Lord's pardon, is not quite correct—and he told us how there was only one Member of Parliament who voted on our side who represented a town constituency.

LORD JAMES OF HEREFORD: I did not say a town constituency. I said a representative of a labouring or an industrial constituency.

THE DUKE OF NORTHUMBERLAND: I do not know how that may be. I should have thought that most of the big towns of England represented the industrial classes.

LORD JAMES OF HEREFORD: Yes.

THE DUKE OF NORTHUMBERLAND: If that is the case, my own son, Lord Percy, sits for a constituency which I believe is a town with probably some industrial classes in it, and he takes the very keenest interest in opposing this Bill. Therefore, without being able in other ways to test the accuracy of the noble Lord, I know that in this particular respect, at any rate, he is inaccurate. Surely if it is the case that year after year, Parliament after Parliament, the House of Commons has passed this Bill, which there is no doubt it has passed —if the minorities get smaller, and the majorities get bigger, and our leaders desert us, and yet there is no energy in the country for forcing this measure forward, and making it pass into law, surely it shows that there is no real feeling for it on the part of England. Can you conceive, my Lords—I put it to you as reasonable men—did you ever know a measure in which the British public took an interest—a Reform Bill or anything of the sort—which they could not force to the front against all opposition if, year after year, for forty, fifty or sixty years, they really desired it? I think that is a conclusive argument that the people of this country as a whole are not keenly in favour of the Bill.

The noble Lord told us a great deal about what working men had said to him upon the subject. I cannot controvert that. I have no doubt that there are some here who have had far more opportunity of judging of the feelings of working men than I have who will be able to answer it. But I must say that I cannot quite understand the idea that working men, or anyone else, cannot hold a public meeting in favour of marriage with a deceased wife's sister, because they are so—shy, shall I say? We are told that the unmarried men cannot do it. I forget why the unmarried men cannot do it, and possibly I am wrong in this—it was the unmarried man who could do it, perhaps, but at any rate we are told that the married man cannot do it because of his wife's jealousy, and the widower cannot do it because it would be thought that he wanted to marry his own deceased wife's sister in particular. Is that an argument that can be seriously put forward for a measure which is going to remove a great public grievance, which is going to make homes happy which are now miserable, which the people of England are longing and pining for, and in reference to which your Lordships' House, in the teeth of the Lower House of Parliament, is tyrannically, aristocratically, and—well, I cannot find an epithet bad enough to describe our conduct—preventing the aspiration of the people arriving at its due and proper end?

I am not going to attack the noble Lord, either, upon his theological principles. I do not agree with them, and I do not think he states in any adequate way the proper position of the authority of the Church. I do not speak of the Church of England, but of the Church at large, and I appeal to the noble Lord who moved the Second Reading of this Bill, for he himself showed conclusively that the Christian Church as a whole had always asserted that these marriages, and all marriages of affinity, were illegal and unallowable. It is perfectly true that one branch of the Church will grant dispensations, and that another branch of the Church has tolerated that "void and voidable" condition, but the whole Church—and he might have included the Presbyterian Church and the Lutheran Church as well—has invariably declared that the relations of the wife were the relations of the husband, and has consistently held up as the Christian law the Tables of Affinity which we have hitherto observed and kept.

I am sorry that, having complimented my noble friend upon his correctness as regards the history of the Church, I cannot compliment him upon the rest of his statements. I had occasion last night to criticise his authority upon political economy, the most rev. Primate has criticised his knowledge of history, and I am afraid I must on this occasion challenge his facts with regard to more recent days. It seems to me that the whole law of "void and voidable" has been misrepresented by the noble Lord (Lord Tweedmouth) and by the noble and learned Lord who has just sat down (Lord James of Hereford). In the first place, the First Lord of the Admiralty carefully concealed the fact—I do not mean intentionally concealed, but he omitted to mention the fact—that it was not marriage with a deceased wife's sister alone which was prohibited by the "void and voidable" law, but the whole of the marriages of affinity, and "void and voidable" meant this—that the marriages were illegal, but could only be set aside if action was taken to do so; and although I admit that to sanction marriages retrospectively which were believed to be improper in order to prevent their ever taking place in the future was certainly a very serious compromise, yet at the same time it is perfectly untrue to say that it was done in the interests of one individual, as has been said here to-night. The reason of it was evidently this—that to make the law retrospective would not be to put those who had already contracted such marriages in a worse position than they were already in, and in order to start afresh, and to act fairly by all men, these past marriages were recognised, but at the same time it was made clear that the intention was that in future they should not be recognised. I think that has not been fairly stated by the noble Lords who have mentioned the matter.

Then I should like to call your Lordships' attention to one other remark which was made by the noble Lord the First Lord of the Admiralty. He told us that he had no wish to wound tender consciences, and yet he told us that the opposition to this Bill was a sordid one. I must say that I think the expression had better not have been used. If it means anything, it means that the noble Lord is entirely unable to appreciate conscientious opposition to a Bill which those who make it think it right to make in the teeth of all opposition, not because they have any particular crotchet to serve, but because they conscientiously believe the step proposed is evil and not good. I want to ask one other question of the noble Lord. I should like to ask him what his authority is for saying that these marriages were very frequent before the year 1834. It is a statement which is quite new to me, and I believe that the exact contrary is true. I will tell your Lordships why I believe that. It is because I remember perfectly well being told, as an instance of the feeling of the country some fifty or sixty years ago, of a case where a man in Scotland married his deceased wife's sister, and had to leave the country because the feeling of everyone in the country was so much against it that he could not tolerate the way in which everyone avoided him and treated him. It does not seem to me very likely that if that was the feeling of the country at the time, these marriages were very common.

The great fault of this Bill is its absolutely illogical character. That topic has already been mentioned to-night, and I should not have mentioned it again were it not for one reason. The great argument for this Bill is: "If there are people who want to marry their deceased wife's sisters, why should they not do it? What reason have you to stop it? Unless you can prove some great evil, spiritual, moral, or physical, you have no right to prevent these marriages." But they do not say, "or any other." I rather wonder why they have not, at any rate, the logic of the Colonies, who have extended this law to some other marriages, and so far advanced some way on the logical road to doing away with the prohibition of marriages of affinity altogether. But now let me read this letter which I received yesterday. It is written by a clergyman, whose name I am allowed to give—the Rev. F. E. Warren, Rector of Bardwell, near Bury St. Edmunds. I have not the honour of the rev. gentleman's acquaintance, but I have no doubt that what he states is perfectly correct. He says:

> "A parishioner here has quite recently married his niece—that is, his deceased wife's niece. I wrote to Sir Brampton Gurdon to say that if his Bill covered such a case, I would advise the man to wait a few weeks so that at least he might marry under the shelter of statute law. Sir Brampton Gurdon replied that his Bill did not meet such a case. But what an anomalous state of things will be produced by a Bill which proposes to allow a man to marry his wife's sister and still leaves him prohibited from marrying his wife's more remote relation! Surely all affinity barriers must go, or none."

I want to know what arguments have been used in favour of this Bill which are not equally good to relieve this man. Will any noble Lord give me an answer to this question? It has been asked over and over again in this House, and it has never had an answer yet, to the best of my knowledge and recollection, and I think I have heard most of the debates on this subject, even before I had the honour of being a Member of your Lordships' House. What reason, I ask, is there why this man, who has been forced to make an illegal marriage with his wife's niece, because your law is an illogical one, should not be relieved? What have you to say to the complaint of this man? Will you admit, in the Committee Stage, an Amendment to this effect in your Bill, and if you will not will you tell me why you will not do so? I am convinced of this—that no marriage law will be respected which is not defensible in reason and logic, and I am certain that if you pass this sort of piecemeal legislation, you will shake the confidence of the whole of the people in the marriage law of the country, and that moral consequences will ensue which you very little foresee at present. To put it briefly, this measure is not wanted, as I think other noble Lords besides myself have to-night shown. It is not based upon any logical argument which intelligent people can understand. It is a great grief to the consciences of many of your fellow-countrymen, and still more, allow me to say, to your fellow-countrywomen. It is a great departure from the traditions of the past in a matter in which it is of paramount importance that the continuity of Christian conduct should be maintained. Such a measure should not, in my opinion, be lightly entered into, and I trust that your Lordships will once again refuse to read this Bill a second time.

THE DUKE OF NORFOLK: My Lords, I will only detain your Lordships for a very few minutes. I had not intended to speak at all in this debate, but the noble Lord who has moved the Second Reading of this Bill spoke in a somewhat pointed way of the view taken of this question by the Church to which I belong, and therefore, as I propose to vote in this division, I feel that it is only right that I should explain a little what is in my mind. I do not in the least speak for anyone else, nor do I in the least pretend to define, or support, or explain the law of the Church to which I belong. The noble and learned Lord, Lord James, seemed to know so thoroughly the law of the Church to which he belongs that he assured us that practically there was no law at all.

LORD JAMES OF HEREFORD: I beg the noble Duke's pardon. I spoke of the law of the country, not of the law of the Church.

THE DUKE OF NORFOLK: I am one of those who believe that the law of the Church ought to have a great effect upon the conduct of those who are members of that Church, and who reverence its authority, and therefore I must join issue on that particular point. It is perfectly true, as has been stated, that the Church of Rome does not uphold the theory that this particular act of which we speak is in itself an immoral one. It does not maintain that it is against the law of God, but that it is against the enactments of the Church, and that being so, the same power that has granted those enactments can also grant dispensations if it should consider that such dispensations are on the whole less of an evil than the enforcement of the enactment to which I have referred. I have had to decide for myself, as I need not say everyone who is an Englishman and a Catholic has to decide, whether on the whole it is better to see the law of the country made in harmony with the law of the Church, or to see it made in harmony with the dispensations which are granted, and in that way made antagonistic to the law of the Church. Of course, many arguments have been brought forward, and I think that Cardinal Wiseman has been quoted as having argued in favour of a law which pressed so hardly upon the children of such marriages being amended, and I think he did endeavour to devise some means out of that difficulty. But I do not regard the law of the country as being merely a matter of enacting legislative devices for overcoming individual and exceptional grievances. I regard the law of the country as upholding, for the mass of the people, what, in the wisdom handed down by the traditions and the history of the country, is the right and the highest view to put before the people; and when I find that on a matter of this kind—on which, no doubt, there are arguments to be brought forward in favour of variations and infringements of the general practice—two such great authorities as the law of the Roman Catholics and the law of the English Church have always maintained, and do maintain, that it is for the well-being of the people that this restriction should be kept up, it does seem to me that I, as an Englishman, should be doing very wrong if I put my opinion against those authorities, and supported, merely for the sake of a certain number who desire dispensation in this case, any departure from the law which, in the opinion of these great authorities, ought to be maintained and it is most desirable to maintain.

I must say that I cannot but agree with those who have stated to-night that they have never yet had any great proof of a strong and widespread desire for this change. Your Lordships know that year after year this controversy has gone on, and that, as has been pointed out, no great section of the people has taken the matter up, and no Government has been forced to bring it forward, and that until the present occasion, when it has been hurriedly brought forward, no Government has been found to support this change. I think it is quite against the knowledge of anyone connected with public affairs that that state of things could exist for so long if there were a large momentum of opinion pressing for this legislative change. It seems to me, as has been pointed out, that we are on the threshold of a path which must lead to endless confusion and which will probably lead to further infringements of the marriage law. I think we shall have undertaken to alter that which has always been taken to be of extreme importance for the moral welfare of the people, and that we shall be making that alteration for the sake of benefiting a very few people, while causing pain and regret to a great number. It seems to me that no argument has been brought forward to justify so great a change. I only wish, in conclusion, to say that I desire that the noble Lord who moved the Second Reading shall understand that I do not in any way, in making these remarks, underrate the force of what he has put forward. I know that there are many Roman Catholics who do not agree with me upon this question, but for my part I fear that the step proposed is a a step of extreme danger, and that we shall be entering upon a downward path if we begin to tamper with the marriage law.

*THE LORD CHANCELLOR: My Lord, the arguments on this subject were really worn threadbare before this debate began, and I shall not therefore dwell upon them at any length. There has been an argument used by the Duke of Northumberland and also by the Duke of Norfolk that this proposal is an illogical one. That means to say, that it is illogical that, having attempted to seek some underlying principle, you do not extend it to all imaginable cases of marriages of a similar kind so as to make it a consistent whole.

Last year, when I was speaking to your Lordships with regard to some marriage questions—for there were more than one last year—I took the liberty of warning your Lordships not to dream of trying to do more than one thing at a time in altering the law of marriage. The law of marriage is one of the strangest and most difficult laws to administer and one of the most confused, inasmuch as people of different nationalities, residing in different places, and governed by different domiciles, contract these marriages, and the confusion you already have is infinite. For my own part, one of the advantages of this Bill is that it deals only with one specific point, and I can only say that that circumstance ought to reassure the noble Duke who spoke last when he expressed his apprehension that we were going to embark upon some unknown journey. Let us always make up our minds to deal with one point at a time, and then we shall not get into difficulties.

The real arguments against this Bill during the debate this evening have been of two kinds. In the first place, there has been the ecclesiastical or canonical argument, and that has been confined really to the Church of England. With regard to that, may I say this, that I, being myself a member of that Church, claim the right to be governed by the laws of this country and not by the laws of the Church in regard to matters of this kind. With the utmost respect for the spiritual laws—the most sincere respect—I think it is our duty to exercise our own judgment upon what is for the welfare of the country at large, and that we are not bound by canonical distinctions or canonical interests. Certainly those who do not belong to the Church of England are not bound by them in the least degree, and they constitute a very large part of the population of this country- That was an argument which did not seem to me to have very great weight, if I may say so, and I do not think it will have very much influence with your Lordships.

But the real argument which has been relied upon is that that law will tend to immoral relations rather than otherwise—that it will interfere with domestic peace and domestic happiness. That is the argument which has been put forward, and that is really the serious and important argument with which we have to deal. For my part, I think we are at liberty, all of us, to form our own judgment. I do not agree with the right rev. Prelate upon this subject at all, and if I want to ascertain what is the true and sound view, let me ask, for a few moments, what are the opinions of the Church and what are the opinions of the people upon this subject. In the first place the opinion of the Church. The Roman

Catholic Church, as the noble Duke has just told us, does not regard these marriages as immoral. The Church of England did not regard these marriages as immoral until they were made unlawful by Act of Parliament. May I be permitted to justify that statement? These marriages were not void, but voidable. That is to say, until there was some interposition by a litigant, the marriages were good. Would that have been so if they had been regarded as immoral? But, beyond that, there was a fiction of law, kindred to many fictions which have been constantly repeated in the history of this country in order to remedy abuses—not a fiction of law exactly, but a fictitious process of law, which, once commenced, would stay interposition of those who might declare the marriage void. In other words, no such state of thing as the creation of a fiction in order to arrive at a right conclusion could ever have grown up in a country like this if it had been in any way held to be against public morality. That is my reason for saying that until the year 1835 the Church of England did not regard these marriages as immoral. I speak, I know, in most distinguished presence on that subject, but I think my contention follows from the observations I have made on facts which are not disputed by anybody. So far as morals are concerned the Church of Rome and the Church of England up to the year 1835 were agreed. I know not what the doctrine of the great Greek Church may be—the other branch of the Church of Christendom—but at all events those two Churches of which we know obviously do not—or did not—take the attitude that these marriages are against morality. I am sure that that must naturally and reasonably follow from the considerations I have put forward.

Then, what do the people say—I am speaking not of the people of England alone, although I will speak of them in a moment, but of the people of Christendom — upon the point of whether your home is invaded and destroyed, and its purity contaminated, and whether the home life of the people is invaded, where this change of the law has been made, by something in the nature of impurity and immorality? I say that upon a question of this kind the people are as good judges as are the Churches. And what do they say? The most rev. Primate, in speaking upon this matter, began by speaking of the opinion of Germany and the Continent. He put that aside on the ground that we were not going to take the domestic views of Germany. He then proceeded to the United States; and he passed a panegyric—I believe a well-preserved panegyric, which comes with great weight from so high and eminent an authority as the most rev. Primate—upon the purity of their houses and lives. But then he had to admit that the opinion of the United States was favourable to this Bill, because they have this law themselves; but he said that on the subject of marriage he was disposed to differ from them. Then he came to Great Britain—but before speaking of Great Britain let me point out that when we had dealt with Roman Catholic countries, with Germany and the Protestant Continent, and with the United States, we however very nearly exhausted Christendom—certainly Latin Christendom. When we come to Great Britain, the most rev. Primate, and also the Duke of Norfolk, are of opinion that the people are not really in favour of this Bill. By what means are we to ascertain what is the opinion of the people, if we are not prepared to accept the repeated verdicts for 50 years and upwards of the House of Commons in which there have been majorities of Conservatives and majorities of Liberals in every shape and form—enormous majorities in favour of this Bill, year by year, decade by decade repeated now for something like, I suppose, fifty years? My noble friend Lord James of Hereford has told me—for I confess that I have something else to do than to examine the division lists in either this House or the other—that there were only thirty-four Members of the House of Commons who voted against this Bill on its Second Reading, of whom seventeen were British Members and seventeen were Irish If that is so, what is the opinion of the Conservative Party? The Conservative Party is indeed reduced in number, but seventeen does not yet represent its strength. What has happened to those men of light and leading in the House of Commons on this great question of morality? It is impossible to doubt, when you know that for nineteen successive Parliaments in the House of Commons this Bill has been passed by enormous majorities, even in Conservative Houses, and when it has been already, I think, twice passed in this House——

LORD TWEEDMOUTH: Second Reading.

*THE LORD CHANCELLOR: Second Reading once, and through all its stages the second time. Is it possible, I ask, to doubt that the preponderating opinion is in favour of this Bill by an enormous majority? It is not that everyone is affected by the Bill—it is a Bill which affects, happily, only a few persons; but everyone is entitled to form an opinion as to whether the measure is right or wrong, and whether it is likely or not to produce the disastrous results upon the home which have been so eloquently described by the most rev. Primate and by the Duke of Northumberland. If I may so put it, this is a matter which is not in itself of intrinsically great importance, but the origin of the Bill was not satisfactory. The laws of England were changed in the year 1835, not in favour of toleration, but in favour of rigidity, and of imposing your ideas of right and wrong upon other people who did not agree with you. That was the origin of the feeling that there is on this subject. And then there is a sense also, and I think a legitimate sense, that—if I may say so with real respect—there is in some degree a usurpation by the clergy over the consciences of the people in matters with which the Church is not concerned. I hope I shall not be misunderstood, or be supposed to treat spiritual Lords with any disrespect, but that is really the feeling—that we ought to be able, and that we intend, I think, to judge for ourselves in matters of this kind. This matter having been so long before Parliament, having so perplexed and distressed a considerable number of persons, and having worried us in this House for a great number of years, have we not now come to the stage when we can make up our minds whether it is not fair play to allow people to judge for themselves in these domestic affairs which affect their own homes, and no longer to stand in the way of a reform which, although not a great and far-reaching reform, is one which is just and right?

VISCOUNT HALIFAX: My Lords, I only wish to allude to one point which has been raised in this discussion. It would certainly seem the height of presumption on the part of one in my position to venture to call in question what has fallen from the noble and learned Lord who sits on the Woolsack, but I would very respectfully ask him whether what he has said in regard to the morality or immorality of these particular marriages does not apply to other marriages within the prohibited degrees. As I understood, the noble and learned Lord's argument was that the Church of England did not consider these marriages immoral because, up to the year 1835, not only by the law of the Church of England but by the law of Christendom, they were only voidable. Is it not the fact that the same thing applies not merely to marriage with a deceased wife's sister, but to all incestuous marriages? Your Lordships will, I hope, give me indulgence for venturing to speak against the weight of the Lord Chancellor, but is it not the fact that what was really at issue was the legitimacy of the children? It was held to be unjust to call into question the legitimacy of any children resulting from any union after the death of one of the parties to that union. Therefore, in the case of children born of a union with a deceased wife's sister, a sister, an aunt or a niece—all those children would have been held legitimate unless that union had been called into question in the lifetime of the party. I venture humbly to suggest to the noble and learned Lord on the Woolsack that the practice prior to 1835 had nothing whatever to do with the morality or immorality of those unions, but was simply a question of justice to the children born of those marriages, and if the argument is good that because those marriages were only voidable prior to that time, therefore the Church did not regard them as immoral, that argument is clearly good with reference to an aunt in blood, a niece in blood, or even a real sister.

*THE LORD BISHOP OF LONDON: My Lords, the most reverend Primate has stated the case against the Bill with his usual lucidity and completeness. We are all anxious, I think, upon this bench that it may be clearly understood that this is a layman's question and not merely a bishop's, and in reply to what the noble and learned Lord on the Woolsack has said I can only say that the arguments we address to your Lordships' House are merely advanced in order to influence your opinions. We are not seeking to domineer over you in any way, but we are asking you to listen to us, as to men who know something about the lives of the people, while we advance certain reasons why you should vote against this Bill.

I would very willingly have listened in silence to-night had I not in the first place been asked by some very prominent Members of your Lordships' House to speak, and, on the other hand, had I not feared that my silence might have been very much misinterpreted by the tens of thousands in my diocese who are watching these proceedings with the most eager anxiety and the keenest hope. During the short time that I have had the honour of being in your Lordships' House I have always found that your Lordships have given most patient attention to every speaker, even when that speaker has followed upon some very great authority. Therefore, I trust that your Lordships will bear with me while I endeavour to advance, very briefly, five reasons why, in spite of all that we have heard to-night, I must vote against the Second Reading of this Bill.

In the first place, those who feel that the authority of their religion is being shaken, and the purity and happiness of their homes undermined, do really and sincerely believe that what is proposed is against the marriage law of Christendom. I listened very carefully to what my noble friend Lord James said about being dependent upon the decisions of this council or that. It is not a question of this council or that, or of one Bishop or another. I defy anyone to prove to-night that the whole tradition and practice of the Christian Church from the very first has not been against such marriages as those which it is proposed to legalise under this Bill. When one speaks of the Church, one sometimes thinks of church and chapel, but we are speaking of things which go far beyond the time when it was possible to draw any such distinction at all—we are speaking of what was part of the law of united Christendom—and as I listened to my noble friend Lord James, I really felt inclined to ask him, what is the good of the Church if in every case it is considered to be almost an impertinence of the Church to have a standard different from that of the world? What was the Church sent to do? The Church was sent to uplift the world, and if it is impertinent of the Church to have a standard opposed to that of the world, what is the good of the Church at all? Therefore, when I ask myself why was it that the Christian society had this universal and unbroken custom with regard to the marriage law, I am not in any way relying upon some chapter in Leviticus, but I am relying upon the unbroken tradition of the Church, which we believe it inherited from Jesus Christ Himself. This unbroken tradition I believe—and the tens of thousands for whom I speak believe—is an inference from the teaching of Jesus Christ Himself with regard to the marriage law. That is my first reason.

My second reason is that when those who feel with me look a little closer, and when they ask themselves what is to happen when this barrier of affinity is removed, they find that the barrier of affinity underlies no less than nineteen out of twenty of the barred marriages in the Table of Degrees, and they find that there is absolutely nothing to take its place when that barrier is taken away. I listened very carefully to my noble friend Lord James, and to the noble and learned Lord on the Woolsack, to see whether they threw any light upon that question, which goes to the very heart of the matter, but there was no answer whatever. On what, I ask, are we to take our stand? The idea that human instincts alone are sufficient to bar undesirable marriages crumbles to pieces the moment it is examined. Human instinct is at the best but a weak and precarious barrier against human passion. If a man were to desire to marry his stepdaughter, acording to this argument why should he not do so? She is no relation of his by blood, and those who object to this change in the law feel keenly that the disgust which is at present caused by such a proposal might easily be weakened once the principle upon which the Table of Degrees rests is swept away. It was proposed—as the most rev. Primate said—in a similar Bill on one occasion that the niece should be included, but the originator of that proposal was induced to withdraw it as showing too clearly where the tendency to go from one concession to another would probably lead.

Then there is a third reason why I object to this Bill. It may be said, "We feel sure that these fears are exaggerated, and we mean to confine the matter to the deceased wife's sister." But here comes in the dread which is possessing thousands to-day—that even if it is only to apply to the deceased wife's sister, the beautiful relation existing to-day in hundreds of homes would be broken up. I have here a description of home life written by a man who was described by one who knew him best as a man among men—a king of men—and a man who was a Liberal all his life. He described what he conceived to be the true idea of the marriage law—

> "The principle begins with the consecration of the family. The purpose is to guard and defend the household—to consecrate a circle within which there shall be the warmest, strongest, deepest affection without the slightest touch or breath of passion. Then it follows immediately that when one of this consecrated family marries, he brings in the wife under the same consecration, because she is to find, in her husband's father and mother, a new father and mother, and in the husband's brothers and sisters new brothers and sisters. And she, too, should be a consecrated thing in their eyes, and there should be the deepest and warmest affection between them, never touched by the breath of passion. So, too, when a daughter marries, the husband finds in her father and mother a new father and mother, and in her brothers and sisters new brothers and sisters, to be sheltered and encompassed by this consecration founded on the Divine law."

Those are the words of Archbishop Temple when Bishop of Exeter in 1883. Now, my Lords, it is impossible that this happy relationship can possibly continue if this Bill is passed. One of the papers which supported a similar Bill some years ago said quite plainly, "It will mean that no man must be on terms of greater intimacy with his wife's sister than with any other young woman who comes to his house." I was much struck with the fact that no less a person than the Lord Chancellor of that day himself repudiated in the strongest terms such a dislocation of the happy family life of England. I am as certain of this as I can be of anything—that in the great middle class in this country, for every one person who will be relieved by this Bill twenty, or even fifty, will be made miserable by it.

That leads me to the question whether there is any great public demand for this Bill. I quite agree with the noble and learned Lord, Lord James, that if, in spite of all that I have said, it could be asserted that out of deference to some far-fetched ideas about marriage we were making the houses of the poor wretched and promoting immorality, some *modus vivendi* must be found, but I must make again the assertion to which Sir Henry Fowler alluded in the House of Commons—that during the whole nine years during which I spent every day and every evening wholly with the working classes of East London, I never once heard this matter alluded to. Much of our time we spent in free and frank debate. I can remember evenings when your Lordships' House has not only been criticised, but swept away night after night, and I have seen the Church to which I belong disestablished time after time. We discussed funeral reform, land reform, the housing question, and any and every question which related to the well-being of the people. We believe that the Church exists for the good of the people, and the subjects were always suggested by the working men themselves, and never once did I hear this question brought forward for discussion by a working man, nor was it once alluded to as a grievance to be redressed. Of course I only profess to be a single witness, but I feel certain that those who worked with me would bear the same witness, and I offer that witness to your Lordships to-night. Coupled with the fact that in all the election bills which have been examined there is not an allusion to this Bill, it amounts to this—that when there is no political interest at stake there is no popular demand for this Bill at all.

That brings me to the last, and, in some respects, the strongest of my reasons against the passing of this Bill as it stands. You would by it strain the consciences of thousands of good men, whose consciences we all ought to respect even if we do not agree with them—I mean the 20,000 working clergy of this country. It is well known that the clergy are bound by the canon law, and by the ninety-ninth Canon passed in 1603—and I would venture most respectfully to suggest this

Canon to the notice the noble and learned Lord on the Woolsack as showing the attitude of the Church of England in its official teaching upon this matter long before the date he mentioned—it provided that—

> "No person shall marry within the degrees prohibited by the laws of God, and expressed in a Table set forth by authority in the year of our Lord God 1563, and all marriages so made . . . shall be dissolved as void from the beginning, and the parties so married shall by course of law be separated, and the aforesaid Table shall be in every church publicly set up and fixed at the charge of the parish."

I quite agree that these canons do not bind the laity, but every one of the 20,000 working clergymen of the Church of England is bound by that ninty-ninth canon, and by that canon, as your Lordships have just heard, such marriages are not only forbidden but declared to be against the law of God. It may be said that the clergy are not compelled by this Bill to perform the marriage, but they are bound to proclaim the banns of such marriages, and they are compelled to lend their churches to be used for them, and you have little idea of what the clergy feel towards their churches when you compel them to lend their churches for a marriage which they in fact believe, and are bound by the Canons to believe, is no marriage. I can imagine some person intent upon disestablishing the Church of England introducing such a measure for making the law of the State with regard to the marriage contradict the law of the Church, because it clearly tends to make the co-operation of one with the other more difficult; but what I cannot understand is how a majority of your Lordships, many of whom—probably most of whom—are earnest Churchmen, can possibly assist in driving in the fatal wedge which will force Church and State asunder.

Those, my Lords, are the reasons which compel me to give an unqualified opposition to this Bill. It contradicts the principle upon which the marriage law rests; it lays down no principle whatever to take its place; it destroys the happiness of many homes; it is not demanded by the people in their constituencies and in their homes; and it is a definite step towards the disestablishment of the Church of England. On those grounds, my Lords, I ask you to reject it.

* LORD HENEAGE: My Lords, when I came down here to-night I had no intention to speak upon this Bill, but I am told that as I had charge of a similar Bill over twenty years ago in the House of Commons and for several years afterwards, I ought to say a few words upon it.

I have listened with great care to what has fallen from the right rev. Prelate, but I cannot help thinking that I heard all these arguments twenty or more years ago, and I do not know upon what ground the right rev. Prelate claims to represent the large number of people who he says are opposed to this Bill. We have been challenged because there appears to be no great interest taken in the country with regard to this Bill. No, my Lords, the people who are in favour of this Bill have become weary of waiting, but one would have thought that when a Bill had passed the House of Commons with this large majority, and was coming before your Lordships with what I believe to be every prospect of success, those who are so terribly frightened about it, and so much against it, would have shown themselves, and would have organised petitions against it. But we have heard of nothing of the kind.

We are asked by the right rev. Prelate why this Bill should not be extended further than to marriage with a deceased wife's sister. I should have thought the very simple reason for that was that there has been no wish for it, and therefore, at the present moment, it has never been discussed before the country, and I do not believe that anyone has any great desire for it. The noble and learned Lord who moved the rejection of the Bill (Lord Shaftesbury) was very strong upon the desolation which, if this Bill were carried, would be brought into the homes of some people in society. There may be some cases in which it may be inconvenient, but for those few cases in which it is inconvenient among the rich there will be thousands and thousands of children among the poor who will bless the day when this Bill is passed. It is for the poor that this Bill is needed more than for anyone else. We hear the argument that a sister-in-law cannot go to her brother-in-law's house if this Bill is passed. Why not? Because it is asserted she is an unmarried woman, and under this law she will be a marriageable woman. But is not that the case now? The poorer classes have not got large houses, or a number of servants. They cannot leave their children with nurses; they are obliged to have a housekeeper, and to have someone residing in their house, and nine times out of ten that is a young person who is most anxious probably to marry the man whose house she is keeping. Therefore, I cannot see what difference there is between the two cases.

It appears to me there is nothing in this argument whatever. But there is a great deal in another argument. If anybody were to go into the country, and to look round there, although they might find some instances where stepmothers have been extremely kind to the children before marriage, they would find that after their marriage many women who previous to marriage have been extremely kind, when they get children of their own, give the stepchildren very short shrift. Now I want to know who is more likely to be a kind stepmother to the children than the sister of the deceased wife. I heard earlier in the debate some story told about the woes of a deceased wife's sister. I can also tell a story, if your Lordships will allow me, of an incident that happened to me some fifteen or twenty years ago. A tenant of mine who had lost his wife, and had several young children, came to me after several years to say that these children were very fond of their aunt, and were most desirous that he should marry her. He himself said he was quite willing to marry her, and liked her very much, and his father and her father were quite willing that the marriage should take place. But he wanted to know what the consequences were likely to be if he did so, whether he would be boycotted by the clergy and the others upon the estate, or what line he should take. I strongly advised him to go abroad and get married, and to come back, and I said that so far as our own family were concerned we should receive his wife just as we should any other lady whom he had made his wife. That turned out an exceedingly good marriage for the children and for the man, but I am sorry to say that some of those who are now so bitter against this Bill—especially the clergyman of the village—set the people against him, and the result was that I lost a very good tenant and he lost a very good farm. I hope that after this year cases like that will not occur. This is not a rich man's question—it is entirely a poor man's question, and it is on behalf of the poor that I, for one, desire to see this Bill passed.

We have been told that the only real grievance in this matter was on the part of those who had lived in the Colonies, and who had come home to England, and whose wives were not recognised in this country. Some years ago—I believe on the first occasion when the Colonial Premiers came over to England—I was sitting at the banquet given to those Premiers, and I believe there were three Colonial Premiers present whose wives were deceased wives' sisters. They told me that their wives were not recognised in this country, and one went so far as to say this: "If I chose to leave my wife, and leave her to go to the workhouse, I could marry anyone else I liked in this country." The removal of that disability has only shown how ridiculous it is to maintain here the law as it exists at the present time. It has not removed the grievance which has been felt in the past, and is being felt now, by thousands of people. The Duke of Northumberland said the argument was: "Why should not a man marry his deceased wife's sister if he likes her?" That is not the argument. The argument is, why should not a man marry his deceased wife's sister if he thinks it better for himself and his children, when there is no sin and no immorality in doing so? I do not wish to labour this point in any way, but I say that after waiting all these years it is not unreasonable to believe that the people are waiting calmly and quietly for the measure of justice which they believe and which I feel certain this House will grant them, on the present occasion.

*THE LORD BISHOP OF SALISBURY: I should like to make a few remarks in regard to the historical statements which have been made, some of which I must confess rather surprised me. The noble Lord, my kind neighbour, Lord James, seemed entirely to forget the course of legislation in the fourth century, which I can hardly suppose so learned a lawyer is unfamiliar with. The opinion of the Church is, as far as I know, undoubted, although it was only expressed in one or two directions; but much more important is the fact that when the Empire became Christian it set itself to work rather rapidly to bring legislation into harmony with what were held to be Christian principles; and so in the year 355 an imperial law was passed entirely forbidding such marriages in future as are now contemplated, and speaking of them in strong terms of reprobation. I do not know that you can have stronger evidence that that was the mind of the whole Church than when you find that it set itself to work to influence secular legislation against these marriages, and succeeded in so influencing it.

I do not know whether I need touch upon the point of the somewhat scornful way in which that great master of theology, St. Basil, was spoken of. He almost seemed to be a stranger to my noble friend, who apparently had not at all appreciated the greatness of his mind; and I may say to the noble and learned Lord on the Woolsack that his canons are, so far as I know, reverenced everywhere in the Eastern Church to-day. St. Basil wrote his Epistle to Diodorus a considerable time after the marriage law of A.D. 355. It was, therefore, not necessary for him to summon Church Councils to deal with this matter at all. He was taking the general law of the Empire, and commenting upon it in a Christian spirit, and that was surely a thing which anyone of us might do without our comment being spoken of as "the obsolete views of pre-Reformation divines," which I think was the phrase the noble Lord used with reference to the writings of St. Basil. It is quite true that St. Basil lived before the Reformation, but he spoke the mind of the Church and State in the fourth century, and that, I think, is a precedent worthy of consideration.

Then with regard to our own branch of the Catholic Church, the Bishop of London has pointed out quite conclusively that the mind of the Church of England, as far as it was expressed at all in words, was in the year 1604 entirely decisive, not in regard to these particular marriages only, but in regard to all the other marriages in the Table put out by Archbishop Parker in 1563. And then it should be remembered that that Table included all marriages of consanguinity and affinity, some of which would be reprobated by every Christian man and woman, and by every enlightened atheist. As Lord Halifax said quite truly, the marriages contained in that Table, and which were dealt with by Lord Lyndhurst's Act, were the whole body of marriages of consanguinity and affinity, and not particularly this one with a deceased wife's sister. That is a very important point which has been most extraordinarily forgotten.

We have been told that the arguments are all threadbare, but I am inclined to think that noble Lords who have spoken on historical matters to-night have not really looked up their arguments at all. They have apparently depended upon their ancient recollections, which have become somewhat dulled by time. Let me just say this word about Lord Lyndhurst's Act. We are told that two Bishops intervened, and I do not know what happened. I have no brief for Lord Lyndhurst, but I do say this, that he touched a very sore spot in the law of the country—perhaps not with the highest motives—that is to say, he pointed out the fact that all these marriages which your Lordships would reprobate quite as much as anybody else possibly could, were only voidable, and not void—that a man might marry his sister if he liked, and that up to that date such a marriage would hold good if it was not voided. That was the state of the law, and it was absolutely necessary that something should be done—absolutely necessary in a Christian country—and it was Lord Brougham, and not the Bishops, who seized upon that fact, and it was through Lord Brougham's action that the Bill was made what it afterwards became. That is really a very important fact which I should have thought it was hardly in my province, as a simple ecclesiastic, to state in a room containing so many eminent lawyers. It really seems to me, although we are told that this debate is threadbare, that it wants a little revising as regards matters of legal history.

I have said pretty nearly all that it is absolutely necessary for me to say, because I do not wish to say much more about the moral question than has been so well said by the Bishop of London and others. But I would like to say this—that when, as Bishop of Salisbury, in the first few years of my episcopate, I went into this question, I found that these marriages which are now in question were by no means the only grave infringements of the marriage law. There were five or six other kinds of marriages which were being contracted by people, not with the same frequency, but there was really a tendency in the public mind to be very lax indeed in regard to marriages of affinity, and even with regard to marriages of consanguinity, and I am of opinion that unless we get a clear rule such as that which lawyers express by the term "prohibiting marriages within the three degrees," or such as that which the Church has expressed by the Table of Kindred and Affinity, and unless we keep to those clear lines, we shall get on the downward plane. It has been said to-night that we must amend the marriage law step by step, but most of us would be very sorry to think that that amendment of the marriage law step by step should issue, as it has done in Germany, in permitting all marriages except between immediate ascendants and descendants. That is the state of the Imperial marriage law in Germany, which is a very great country, from which we can learn many things, but I should be very sorry to think that this present Bill should be the beginning of such a law as that. No doubt the present state of things began in Germany with the relaxation of this particular marriage law, but it has now gone on much further than we like to contemplate, and some day our descendents may say, "it is you who introduced this laxity of principle, and it is to you that this change of the law is due."

*THE LORD BISHOP OF HEREFORD: My Lords, the noble and learned Lord on the Woolsack, in addressing the House, reminded us that the arguments connected with this matter are of a very threadbare character. It could hardly be otherwise considering the number of times which something like this Bill has been before the Houses of Parliament. I feel myself in this difficulty—that while we all listen somewhat impatiently to threadbare arguments with which we disagree, we all have to depend upon those threadbare arguments which commend themselves to us. I have therefore to ask your Lordships' indulgence while I detain the House for a few minutes with some of the more obvious considerations which have led me to the conclusion that the present law is better than the proposed law. I wish to avoid all exaggeration in discussing the matter, which is one of those matters which do not run along party lines, and upon which consequently persons curiously disagree. Some are influenced by the weight of one argument and some by that of another. Therefore I feel that the best contribution which any of us can make to the subject is to state plainly and simply the reasons why we are not able to agree to the proposal, and—as in my own case—the reasons why some of us hold on to the existing law as a better law than anything that has been proposed.

We have been reminded to-night, and we are told almost every day in the Press, that the sentiment of the country is clear on the subject—that the mind of the country is made up in favour of this proposal. We have had what may be called the very weighty argument of successive majorities, on some occasions in this House, and on others in another place, and I am prepared to concede that these majorities declare that the opinion in Parliamentary circles is in favour of passing the proposed Bill. But I venture to add that this opinion is a very languid opinion, that it does not represent any deep conviction in the mind of the nation, and that it cannot be said to represent the result of any very serious thought on the part of a great many of those who vote in favour of the proposal. As the most rev. Primate reminded us this afternoon, the very fact that this Bill has been for so many years what is sometimes termed a "hardy annual" is in itself an indirect proof that the country does not really care very much about it, and therefore I venture to say that while we may fairly hold that the opinion—the Parliamentary opinion—of the country has been declared in favour of it, I think we are justified in holding that it is a very languid opinion, and ought not to weigh very heavily in the scale.

The fact is, unless I am entirely mistaken, that the real feeling about the proposed Bill, and the feeling which increases the majorities in its favour, is a desire on the part of many persons to get it out of the region of controversy—to be rid of it. I am quite sure that as a rule the wives of the nation dislike it, and will be glad to hear the end of the talk of it, and there are a great many persons who hold quite seriously that the less the husbands think and talk about it the better. So that if we endeavour to analyse the matter, I think we may fairly come to this conclusion about what is supposed to be the unanimity, or the general prevalence of opinion in its favour—that we might say, indeed, that this Bill before the Houses of Parliament, in its relation to this House, is very much like the importunate widow in the parable, and I myself see no reason to come to any conclusion that there is any very deep-lying conviction at the back of the support given to it. For myself, I have to confess that I have endeavoured, through a good many years consideration of the matter, to come to an unprejudiced conclusion, and the conclusion to which my consideration of the matter has brought me is this—that I cannot get over certain fundamental objections to it.

The first objection of all is that it is based on no sort of principle. The noble and learned Lord on the Woolsack this afternoon spoke of it as a recommendation of the Bill that it only dealt with one thing at a time. But on what principle does it deal with that one thing? As I endeavour to examine it, I can find no principle at all underlying the proposals of the Bill. It proposes to allow a man to marry his deceased wife's sister. Why, then, should it not allow a widow to marry her deceased husband's brother? There seems to be no sort of reason in the thing. It is simply what we might call a kind of *privilegium*, if I may venture to say so, being no lawyer—a sort of law which is the most objectionable form of all—and therefore on that ground alone I feel an objection to it which I cannot get over. It is not based on any intelligible principle. This being so, as I look at it, I can hardly remember a more flagrant instance of what I sometimes think is a common defect in our English legislation—that we pay too little regard to principles, and are too ready to compromise and to legislate for some particular object, without sufficiently examining the underlying principles involved, and the consequences which will necessarily follow.

If we look at the present law—and it is a law which has worn very well in history—we find that it is based—and it has worn well, if I may say so, because it is so based—on a principle which is quite intelligible and which a great many of us believe to be perfectly sound, namely, the principle that the wife and the husband should be placed on the same footing, that there should be no difference between the two in regard to their relationship, that the relations of the one become the relations of the other, and also that the relations of affinity should, with regard to this question, be put upon the same plane as the relations of consanguinity. All that is perfectly plain to every understanding; it is a law which works without any ambiguity; and its great recommendation is that in the inner circle of the home, whether on the side of consanguinity or of affinity, this law puts an end to all thoughts of marriage or of sexual relationship. To my mind, that is one of the greatest benefits that can be conferred upon the inner circle of the home.

Now this proposal comes in on this existing state of the law. What does it do? As I have said before, I desire to avoid all exaggeration, so that I would rather put my question in this way. In so far as it has any real effect, what sort of effect is it likely to have? I have dwelt for a moment on the circle of the inner domestic life and on the law of affinity. I venture to say that the tendency of this change—I will not call it more than a tendency—will be to destroy the character, the sacrosanct character, of that inner domestic circle. In so far as it will have any effect at all, I believe that will be the effect, and it will have that effect by breaking through, or breaking down, this safeguarding principle of affinity being on the same plane as consanguinity, and anyone who has given study to human nature, or has had experience of human life, must know very well what a dangerous thing it is to break through, or to break down, any of those common safe-guarding principles which are really the protection of the common life. If you once do that, you confuse the minds of ordinary people; the ordinary man or woman would begin to ask what is right, and what is wrong. They would say, "A man may marry the sister of his deceased wife, but a woman may not marry the brother of her deceased husband: which of those relationships constitutes a barrier, to pass which is an immorality, and which of them is not such a barrier? And what about other relationships of affinity?" If they once begin to ask all these questions, and are brought into this confused state of mind, nothing but evil can follow.

And there is another thing which may fairly be said in connection with this, and that is, that if you once obscure and confuse your fundamental moral principles, the thing that is likely to happen in many cases, in many natures, is of this kind: that you let loose appetite and passion and morbid imagination, or rather, you allow them to invade an area never invaded by them before, and you do not know what harm may result. It may be said, perhaps, that I am exaggerating; but, in making laws, we have to consider that laws are not made for the righteous, but for those who are weak and liable to fall, and we should not forget the protecting power of a law in the field of ordinary life. Therefore, I say that in these small matters we ought to be very careful not to abandon any acknowledged principle which we know to be good, sound, and wise, and if we hold on to the principle that has guided us for so long a time, we shall at any rate be upon the safe side.

I have endeavoured to look without prejudice at the arguments in favour of the Bill. I have listened to the arguments adduced to-night, and I am sure that, if anything could have convinced me, it would have been the speech of the noble and learned Lord on the Woolsack. But I am bound to confess that the arguments which I have heard seem to me to be anything but strong—not at all sufficiently strong to overthrow such an ancient and generally well-established rule as the rule of affinity. One thing which I observe about all the arguments in favour of the Bill, or nearly all, is that they keep well away from these underlying principles. We have had the argument of general adoption in other countries, and so on. We have been told that in this, that, and the other European country, and in the United States, this principle has been adopted. I am not prepared to lay too much stress on that argument of general adoption. I say that, however general the adoption of any law may be, we have a right to ask: Upon what principle is that law founded? I am quite sure of this, if I may venture to say so, that if Moses had presented his code of restrictions on marriage to his contemporaries, they would have universally rejected it as of no value at all, and yet we find that the most important of them have worn for well over 3,000 years. So that those of us who defend the existing line of legislation with regard to such a sacred and important matter as marriage have at any rate a long experience behind us.

Then, again, we were reminded of the colonial argument—I suppose I might call it the Imperial argument. We have been told that we are putting our colonial fellow-subjects into an invidious and unfair position if we hold on to the ancient law of our own country, and we have even been told, if I remember rightly, that the fact of our having passed last year the Colonial Disabilities Act is a reason why we should pass this Bill to-night. I venture to think, on the other hand, that that is a reason why we should not be in a hurry. I have always been one of those who were in favour of the Colonial Disabilities Act, because I have always felt that if we gave sanction to a law in our Colonies, and persons there, in a *bona fide* spirit, took advantage of that law, and lived under it, it was hard upon them, when they came home, if they had to suffer from disability in consequence. But I do not see why it is in any way due to them that because this law, which some of us hold to be an inferior law, has become prevalent in the Colonies, the burden of that inferiority should be laid upon us in this country.

Then again, we have been reminded that it is a poor man's question, a working man's question. No doubt it may press a little more closely upon the working man or upon the poor man than upon men of other classes. But this agitation certainly did not begin as a poor man's question; and I think we ought always to bear that in mind when we are discussing it. For my part, I have never found that it was a very pressing question in the minds of any type of working men. For a period of forty years or more I have been in pretty intimate relationship with all sorts of working men, leading trade unionists in a great city, trades councillors, and working men in country places, and it is a literal fact—I was reminded of it as I listened to the Bishop of London this evening when he was speaking of his experiences—that never once in those forty years has any working man spoken to me with regard to the Deceased Wife's Sister Bill as a thing to be desired. And it seems to me to be a very marvellous thing, if there is this very intense desire, as some people would have us believe there is, among the great mass of the working people for this change of the law, that those of us who have come into a good deal of personal contact with them should never have been made aware of it. So that I am bound to say that I do not lay too much stress on the plea that it is a poor man's question. But if we are to take it, as a poor man's Bill, I say that that is an argument which may carry us a great deal too far; it is a dangerous argument to use, because, surely, it means something of this kind: Your working classes are living in such houses, they are so "cribb'd, cabin'd, and confined" in what are called their homes of one, two, or three rooms or what not, that it is not decent for a man and his deceased wife's sister to live together in one of these houses unless they are man and wife. I say that if there is force in that argument, then the argument amounts to a very imperative call to us to do something, a great deal more than we have hitherto done, for the housing of the working classes, I venture to say to the leading representatives of the working men—who voted as a rule, as I understand, for this measure in another place—that I have the feeling that the working men, in connection with their unions, and what might be called their corporate or public life, have not given so much weight and attention to the question of the home life, and of all that is required for the decencies and the happiness of home, as we would have expected them to give. On those grounds I am bound to say that I do not attach very great weight to the plea that this is a poor man's question.

No, my Lords, the real fact I believe to be this: that, as I said before, those who live within the region of Parliamentary life are desirous of getting this question done with and decided; and furthermore, I venture to think, they have not given quite so much attention as some of us who live outside the Parliamentary area—and perhaps in some cases closer to ordinary life—have been led to give to the real objections to the Bill. The real objections are those which I have ventured to enumerate—that it is based on no principle, that it disregards the good of the community, as we conceive it, for the benefit of a few individual cases. We are often reminded that "hard cases make bad law." I do not know whether that is so, but this seems to suggest that it may be so. Another objection is, that it tends to break up the safeguards, in so far as its influence may go, for a pure and happy family life; and it does this by vitiating, in some degree, the atmosphere of the family. It is on these grounds that I myself cannot give the Bill any support. I feel, when I think of how it is likely to work in various classes of society, that it might almost be described as a Bill for slamming the door in the face of the maiden aunt. The maiden aunt, in our English society, is very often a ministering angel in the family; and I am afraid that the tendency will be to make it more difficult, in many cases, for the person who occupies the position of the maiden aunt in a family to step in when occasion requires, and do the beneficent work which she has been in the habit of doing. Most of your Lordships, I have no doubt, grew up under the happy influences and affectionate care of a devoted mother; but here and there upon these benches there may be one or another who has had to depend for all the care and affection of a mother on a sister of his mother or a sister of his father. I am one of those, my experience being that I owe all that I ever knew of a mother's care and devotion to a maiden aunt, and my feeling has been that no one who has had that sort of experience would venture, without a good deal of thought, to take any legislative or other action which would be likely to shut the maiden aunt out of the home. My fear is that on the whole that may be the tendency of this proposed legislation. I do not imagine that any of us expect, or believe, that a very great number of persons are anxious, or likely, to marry a sister of their deceased wife, so that actual cases before us are likely to be few. I do not think anyone would deny that they will be at any rate comparatively few. But, on the other hand, my belief is that the homes are legion in which, by this legislation, you will so alter the relationship as detrimentally to interfere with the happiness of many homes while the wives are living, and with the purity of the atmosphere of the home. So that, altogether, I venture to put it to your Lordships that we should do well to pause before we alter the existing law irrevocably, and, it may be, to the permanent detriment of our family life.

*EARL NELSON: My Lords, I cordially agree with the sentiments uttered by my right rev. friend, and I am very pleased to hear that he is opposed to this Bill. What really strikes me in the matter is this. Our present code, as the right rev. Prelate has pointed out, is simple and consistent. The Lord Chancellor appears to me to rejoice in destroying this code piecemeal. He seems to say that the great character of this Bill—the saving point of this Bill—is that it undermines the code by degrees. What does that really mean? It means this—that, if you pass this Bill allowing marriage with a deceased wife's sister, and do not break any further into the law of affinity, you really hold out a premium to break the law, and, when a sufficient number of people have married their nieces or other connections, then you are to give them also liberty further to undermine your code. I consider that the marriage code is one of the most essential things for the welfare of the nation, and that it is most dangerous in any way to undermine it. One of the things that the great Napoleon did, was to put forth the wonderful Code Napoleon. It is not generally known, perhaps, but we must not forget it, that in that Code Napoleon considered it was essential to adhere to the affinity law.

But we now go to the Bill, and that Bill is brought forward for the purpose of satisfying the Colonies, and in order that Colonists coming to this country may find that their marriage is recognised here just the same as it would be in their Colony. But let us just look at what the Colonies do. The Cape Colony allows marriage with a deceased wife's niece, but not with the brother's widow. So that we do not meet their requirement. New Zealand also allows marriage with a deceased husband's brother, and we do not, therefore, meet that case. South Australia allows marriage with a deceased wife's niece. And, therefore, it is idle to pretend that we are really solving the difficulties of our Colonial brothers who come to this country, because we find that the Bill will not do so in any way in its present form.

Then there is another point. It is urged that we are relieving certain people who are aggrieved who have already married, or desire to marry, their deceased wife's sister. But you cannot do that without upsetting the unity of family life throughout the country, by preventing the orphan children of those who are not prepared to marry their deceased wife's sister from deriving the advantage of the presence of their aunt in the home.

Then it is said that the people desire it. I think that is pretty well disposed of by the statement of the Bishop of London, and by a very few remarks which I will read to your Lordships from a gentleman whom I do not know, but who writes to me from Manchester. He says—

> "As one who has lived daily for years among the poor and the working classs, I can honestly testify that there is not the slightest demand for it. I am convinced that such legislation would do incalculable harm to the domestic purity which we know only too well is gradually being undermined on every side."

A great many stories are told of the hardships of the working man who has no one to take care of his children when his wife dies, except that wife's sister. Now I have lived for many years, and I know a good deal about the people amongst whom I live, and in my experience it is very rarely indeed, when a working man loses his wife, that she has got an unmarried sister who can come and live with him. The people who generally come and live with him are some of his own relatives, very likely his sister; and it would be a most outrageous thing if, because there was a danger of evil coming from that, you were to propose to allow him to marry his own sister, and so break the consanguinity law.

There is one great danger hanging over the United States, and that is that their laws are diverse in the different States as regards marriage; and if we upset our code of marriage laws in a careless manner we shall run a very great risk of destroying the whole happiness of our family life. I consider that it may be necessary that all our existing laws, the law of Scotland, the law of England, and the law of our Colonies, and so on, should be inquired into, and it may be necessary that there should be some attempt to unify our codes of marriage laws in some intelligent manner; but that ought to be done by a Royal Commission carefully going into all the particulars and deciding what sort of marriages should be civil marriages. I do not think it is right that a matter of this kind, with such dangerous results likely to arise from it, should be dealt with by a private Member, or by the Bill of a private Member suddenly taken up by the Government of the day.

THE MARQUESS OF SALISBURY: My Lords, I think your Lordships are probably anxious to come to a decision upon this most important matter. The debate has been one of very great interest, and, although every speaker has said that the arguments are well worn, yet I am quite sure, from the zeal with which they were advanced, that the length of time since they have been stated to your Lordships has given them a freshness which twenty years ago they would not have been able to wear.

In speaking to the House to-night, I ought to say that I speak entirely for myself. Though I stand at this table, I cannot claim to represent in any way the official Opposition. But none the less I crave your Lordships' indulgence for a very few words.

One of the most interesting speeches delivered to-night was delivered by the noble Lord upon the Woolsack. I confess that since the noble Lord has sat in your Lordships' House, I have always witnessed his rising to address the House with great trepidation. The noble Lord has a tranquillity of utterance, and a sweet reasonableness, which conceal a very formidable argument, which we have been taught by sad experience greatly to fear; and therefore, when I saw the noble Lord make that double step to the left, which signifies that he is going to address your Lordships' House, I knew that one of the most formidable speeches in favour of this Bill was about to be delivered. But what did the speech amount to? In the first place he told us that we must not consider the question of marriage with a deceased wife's sister in relation to any other part of the marriage law. He said that the marriage law is one of the most confused things there is; and that the real path of safety is to look at each incident in it by itself. I must say, if it be true—and I am certainly not prepared to deny it—that the marriage law is a very confused law, it is a strange proposal which is made to your Lordships to-night, because it is sought by this Bill to destroy that one part of the marriage law which is completely consistent in itself, and completely comprehensible in its limitations. Moreover, is it in truth safe, as the noble and learned Lord would have us believe, to look at this particular incident of the marriage law apart from any other part of the marriage law? I remember a debate last year which was introduced to your Lordships by the noble Earl the Secretary of State for the Colonies, who was supported by the noble and learned Lord upon the Woolsack, in which those two noble Lords successfully urged your Lordships to pass the Colonial Marriages Bill. The noble and learned Lord has reminded us to-night that he, on that occasion, used the very same warning that he has given us this evening. "Let us go," he said, "step by step. Let us look at each of these questions by itself. "The decision of one question," he said last year, "will not in any way prejudice any future discussion." And yet what value is to be attached to those assurances of the noble and learned Lord, which he gives I am sure in the most absolute good faith? Why, his own colleague throws him over this year! His own colleague, speaking on behalf of the same Government, with almost the words of the noble and learned Lord ringing in his ears that nothing in the Colonial Marriages Bill of last year should be taken to give any precedent whatever for any future development of the marriage law in England—with those words, I say, ringing in his ears, the first thing which the First Lord of the Admiralty said was that having passed the Colonial Marriages Bill of last year you are committed to take another step. That is what he implies—that, a precedent having been established, you are obliged to take the next step—that next step which the noble and learned Lord asked us last year not to look at. No, my Lords, he cannot catch us again in that way. I am sure the noble and learned Lord does not think that I mean any disrespect.

But I do not rely merely upon that. Other countries have gone step by step. We were told about Germany by the noble and learned Lord. He said, "The civilised world is against you and, among other places, Germany." And yet we know—the right rev. Prelate who presides over the Diocese of Salisbury was telling us to-night—the extent to which the German law has gone. I believe it has long passed—I speak under correction—violation of the prohibited degrees of affinity; it has even attacked the prohibited degrees of consanguinity as well. And then we have been told about the United States. I do not want to take up your Lordships' time by repeating for a moment the eloquent arguments advanced by the most rev. Primate; but I must remind your Lordships in one sentence that there is probably no part of the American law which we should seek to avoid more particularly than the marriage law as it prevails in that country. Every one of us knows that they have tried, in the States of the Union, experiments in marriage law and in divorce which every one of your Lordships would shrink from even considering for a moment.

Then the next point, I think, in the speech of the noble and learned Lord was an argument that the prohibition of marriage with a deceased wife's sister was a thing invented in the year 1835.

THE LORD CHANCELLOR: No.

THE MARQUESS OF SALISBURY: I beg the noble and learned Lord's pardon if I have misrepresented him.

THE LORD CHANCELLOR: What I said was that the legal prohibition making it void dated from then, and I also said, what the noble Marquess is no doubt referring to, that what took place prior to that seemed to me to show that the Church of England did not regard such a marriage as an immoral thing in itself.

THE MARQUESS OF SALISBURY: I am very much obliged to the noble and learned Lord. It is the old argument that by the Act of 1835 these marriages were made void, whereas previously they were only voidable, and the noble and learned Lord suggests that therefore there could be nothing very objectionable in such marriages. But how far does he go? Does he say that a marriage between a brother and sister in blood is not objectionable? And yet the very same argument applies in that case. Before the Act of 1835 such a marriage was not void, but only voidable. I speak under correction in the presence of a great many people who are more learned in the law than I am, but that is the very essence of the ecclesiastical law. Wherever you look, you will find it true to say that that which is forbidden under the ecclesiastical law is not forbidden until it is brought under notice. It is not the spirit of that law to pronounce these marriages void, but only to make them voidable when they are brought under the cognisance of the proper tribunal, and therefore, if it be true, as the noble and learned Lord says, that these marriages were voidable and not void before the Act of 1835, and that in consequence of that circumstance we must hold that they were not objectionable *per se*, he would have to hold that all the marriages within the prohibited degrees stand upon precisely the same footing.

That argument, of course, figured also very largely in the speech of my noble and learned friend Lord James of Hereford, and I should make the same answer to the argument in his mouth that I have just addressed to your Lordships with reference to the argument of the Lord Chancellor. But my noble and learned friend used another very remarkable argument. He said that the burden of proof was upon us, and not upon himself—that we were seeking to establish an exception, and not himself.

The fact is the other way. The present marriage law—the present table of prohibited degrees—is perfectly consistent with itself. It rests upon a perfectly logical plan, and the burden of proof is not upon us, but upon himself if he desires to make an exception in it.

Then my noble and learned friend said, "Ah, but think of the poor." I am quite sure that my noble and learned friend knows as much about the poor as I do, but I do not rate myself very high. I know it is said sometimes that your Lordships, or some of your Lordships, are not willing to accept ecclesiastical canons in matters of this kind. I think the noble and learned Lord upon the Woolsack used a rather strong phrase somewhat to that effect. I do not ask you for a moment to accept the ecclesiastical guidance of the right rev. Bench in this matter. But I do ask you to accept their experience as men who have been brought into close contact with the poor. Whatever may be the religious opinions of those I am addressing—to whatever school of religious thought they may belong—on one thing I think every fair-minded man will agree, and that is that there is no body of men in England which knows more about the conditions and feelings of the poor than the ministers of religion who work amongst them, and we have of course sitting in our midst in your Lordships' House many right rev. Prelates who have been in their time parochial clergy, and whose experience fully comes up to the standard I have ventured to mention. In that respect, then, apart altogether from their ecclesiastical character, I place the experience of the right rev. Bench against the experience of my noble and learned friend, and I say that if it be a question who knows most of the opinions of the poor, the Bishop of London or Lord James of Hereford, there is not a man in England who would doubt as to what the answer ought to be. What did the Bishop of London tell your Lordships? He told you that he had lived and worked amongst the poor for a great number of years, that he knew their feelings and their views intimately, that he had heard all sorts of subjects of interest, political and social, debated before him by working men, and that in the whole of his experience he had never heard a working man raise this particular question, or call in question the marriage law in this particular. I say that that is evidence of the first class, and that until that evidence is refuted, until there can be brought before your Lordships the evidence of men who can be said to know at least as much of the poor as the right rev. Prelate, it must stand as for the moment accepted that the poor—at any rate, the poor amongst whom he moved—do not take the view of this question—or indeed, any view about this question—such as is suggested to us by those who are in favour of the Second Reading of this Bill.

The real question is, upon what principle are we to go? My noble and learned friend Lord James, as far as I can make out, thinks that the only principle to appeal to is the opinion which each man can form for himself. That appears to me to be absolutely contrary to all marriage law such as we know it in any country in the world. If that be true all the degrees of consanguinity must go with the degrees of affinity. If every man is to judge for himself there will be no law forbidding a man to marry his blood relation if he pleases, any more than there is in the case of affinity. It is quite evident that once the principle of affinity is admitted at all, we pass from what I may call for the want of a better word the mere physiological region of the prohibitive degrees to something much more subtle. What is the principle which lies behind the marriage law? Why should there be prohibitive degrees of affinity at all? It is evident that we have passed into what may be called the region of consicence in this matter. There must be some reason outside this material world which governs the law of marriage in the case of civilised mankind. If that be true, if there are conscientious motives apart from material motives which are to govern us in this respect, then is it not a formidable thing that your Lordships should be asked in this Bill to contradict the ancient and for many years the unvarying tradition of the Christian Church? I take it there is no doubt on that head. The whole pre-Reformation Church, the whole of the Eastern Church, as we were told by the Bishop of Salisbury this afternoon, agreed that such marriages as marriage with a deceased wife's sister ought to be within the prohibited degree, and in our own day it is not only the Church of England, but the Church of Scotland also which forbids them. If it be a question of conscience, then I say it is a most formidable thing to ask the House of Lords to flout, as they would do if they carried the Second Reading of this Bill to-night, the traditional opinion and decision of the whole Christian Church, at any rate till very recent times.

I would ask one further question of your Lordships. Is it a fact in the mind of any of your Lordships that the sister-in-law stands in the same position to a man as any other woman; because that is what is involved in this question? Can that be said? Is it true? Would any of your Lordships, in fact, say so? I will venture to take an extreme case, because extreme cases are sometimes useful in exhibiting in a pointed manner an argument which one desires to enforce. I say that a sister-in-law stands in a wholly different position from another woman not so nearly related. Take the case of a man who deserts his wife for another woman. That is a great evil, but I am sorry to say a very common one. Would any one of your Lordships say that for a man to desert his wife and make his sister-in-law his mistress would not be profoundly shocking? I will venture to say that every man of the world would agree with me in so thinking. But why should that be so if the sister-in-law is no different from every other woman not so nearly related? Why, so strongly is that view of the case felt that even in this Bill which the Government recommend to your Lordships, a distinction is drawn between the sister-in-law and another woman. Under Sub-section 2 of Clause 3 of the Bill it is made impossible for a man to marry his sister-in-law when he has divorced his wife. Why is that exception made? If the sister-in-law is like any other woman and the wife is divorced, why should not a man marry her? What possible consistency is there in such a provision unless the sister-in-law stands in a special position? I do not entertain a doubt that the answer is that she does stand in a different position, and that you will find reflected right through the conventions which govern our society the same conviction. In all the relations of the sister-in-law to the husband's family you will find she is recognised by universal convention as standing in a wholly different position from another woman.

Then I would submit to your Lordships that it has not been proved that the feeling of the country is in favour of this Bill. There is strong evidence that the country takes very little interest in the matter. We know that no petitions, or no petitions to speak of, have been presented either to this House or to another House in favour of the Bill, and if the country generally is indifferent, we have evidence that one large section—the female portion of the country—are opposed to it. That is another and very formidable fact which the promoters of this Bill have to surmount. Who are in favour of this Bill? Where does the great strength and motive behind the Bill really lie? I cannot doubt what the answer is. Those who are really most warmly in favour of this Bill are interested people who have broken the law and who desire not to bear the consequences of their action. Is your Lordships' House to be asked to lend itself to relieve people who have broken the law from the consequences of their own act? I believe not, and, if that be so, I say the case for the Bill fails. It fails on the merit, and it fails in the argument that it is supported by the country. It fails also in another respect; it has not succeeded in commanding the support of many of those in the present and in the past whose opinion your Lordships have known how to value, and to value deeply. I am proud in this matter to follow my noble friend, Lord Shaftesbury. He bears in your Lordships' House a most honoured name, and we must all have been struck when he quoted in the speech with which he moved the rejection of this Bill the words of his most illustrious grandfather. The great Lord Shaftesbury was not a High Churchman, and he was not a strong party man, but the words which he used were as strong a condemnation of the change now proposed as any that have been used in this debate. Behind his authority and the authority of other men as great as he, we range ourselves, and we ask your Lordships not to be governed by any decision which this House or another House may have come to in the past, but to bring your minds to bear upon this issue, and upon the arguments supporting this Bill, without prejudice or partiality. We ask you to pronounce with no uncertain voice an emphatic opinion that any such change in the marriage law of England, unsupported as it has been by precedent or argument, ought not to be made.

*THE LORD PRESIDENT OF THE COUNCIL (The Earl of CREWE): My Lords, in rising to say a very few words in what may be regarded I suppose as the conclusion of this debate, I hope I may be pardoned if I touch a personal note for one moment. I cannot forget the interest which my father always took in this question. He entered the House of Commons two years after the passing of Lord Lyndhurst's Act, and, during the twenty-six years in which he sat there and in the subsequent years in which he sat in your Lordships' House, he was one of the protagonists of this question, and he never failed to do his best to recommend it to the House in which he sat. We certainly cannot be accused, as a Government, of having on this occasion sprung an entirely new question upon the House. This matter has been before Parliament for a very great number of years. The whole question was often debated by pamphlet during the fifty or 100 years which preceded the passing of Lord Lyndhurst's Act, but, of course, it was the passing of that measure which brought the matter to a stage which was then critical and has remained critical during the long course of years which has succeeded. Part of our case is that the Act of 1835, although, of course, it possesses the sanction which belongs to an Act of Parliament, yet was passed without any real moral sanction. The most rev. Prelate seemed to dispute what I thought were the undisputed facts with regard to the passing of that Act. That Act was introduced with this simple alteration—that only for two years should these marriages be voidable, and that if they were not voided within two years they should then become good marriages. The noble and learned Lord, Lord James, has described how in its passage through this House the whole scope of the measure was changed. It was changed to the form in which it now stands on the Statute-book. But what is important to remember, and what I do not believe can be disputed, is that the House of Commons at that time only assented to this very remarkable change on the understanding that the whole question of the degrees of prohibition in marriage were to be reconsidered at the earliest possible date. That has never been done from that day to this. That is what has made the grievance about which we complain. Lord Shaftesbury seemed somewhat to complain that we had introduced this Bill from the Government Bench. I can assure the noble Earl we did not do so in the belief that a measure introduced from this bench would be thereby made more acceptable to most of your Lordships; in fact, we might have reached the contrary conclusion; but, owing to the fact that the measure had been given facilities in the other House, we thought that the proper way to show our sense of its importance was to undertake its management when it came before your Lordships. A great deal had been said of the progress of this discussion during the years which have intervened since the passing of Lord Lyndhurst's Act. The Commission of 1847 said in the course of its Report something on the subject which has always struck me as remarkable. They made no recommendation as to a change of the law, but they expressed as clear an opinion on the merits of the case as could be expressed without a positive recommendation. They said—

> "The measure of 1835 has failed. We doubt if any legal prohibition would be effectual. These marriages will take place when an occurrence of circumstances gives rise to mutual attachment, and they are not dependent upon legislation."

That might seem to be an observation of a rather cynical man of the world, but it was the recommendation of men like Bishop Lonsdale of Lichfield, Dr. Lushington, Mr. Stuart Wortley, and others, all men of the highest possible character, and all carrying serious weight in the different branches of public activity to which they devote themselves. What are the various objections taken both before and throughout this debate to the passing of this measure? One main objection which those who have studied the early progress of this discussion will remember has not been brought forward with any great prominence this evening, and that is what I may call the Old Testament objection founded on the chapter in Leviticus. I therefore say nothing about it, except that it seemed to me strange that so much stress was ever laid as was at one time laid upon this particular objection, because, as is well known to your Lordships, the Jews with some few exceptions have always regarded these marriages as not only not forbidden, but as in some senses a desirable kind of marriage, and I always think it might be properly assumed that the Jews might be expected to know the meaning of their own law, and also the proper translation of their own language. Then we come to the ecclesiastical objection of which we have heard a great deal more to-night. We have been told that since the fourth century, the voice of the Church has been practically unanimous in at any rate deprecating these marriages. So far as I know they deprecated a great many marriages. I think anybody who has at all studied the subject will not contradict me when I say that the prohibition of the marriage of first cousins was quite as strong and extended over as long a period of time, up to the Reformation, and over quite as large an area as the prohibition of marriage with a deceased wife's sister.

THE LORD BISHOP OF SALISBURY: Will the noble Earl allow me to contradict that?

THE EARL OF CREWE: I naturally bow before the superior knowledge of the right rev. Prelate, but both marriages, I understand, are equally forbidden by the Eastern Church. Even if, as I am quite willing to take on the authority of the right rev. Prelate, marriage with first cousins is not regarded in exactly the same manner, it certainly was not viewed with favour by the Church up to the time of the Reformation. I think it was the right rev. Prelate the Lord Bishop of Salisbury who pointed out that Archbishop Parker's table of prohibited degrees was included in the canons of 1864, which, although not binding on the laity, were binding on the clergy. That may be so, although I am inclined to imagine there are several of those canons which are daily ignored and even disobeyed by the clergy at large. I know it is very often assumed that some special sanction attaches to the table of prohibited degrees owing to the fact that it is bound up with the Prayer-book or sometimes bound up with it. But it has no more to do with the Prayer-book than have the Hymns, Ancient and Modern, which are also at times bound up with the same volume. Surely the common-sense view of this ecclesiastical censure of these marriages is that those who think they are forbidden by the Church are perfectly right to discountenance them among all those with whom they may be brought into contact, but that it does not give in such a country as this the Church any title whatever to forbid, or to bring pressure to bear upon Parliament to forbid, people who do not recognise that sanction to contract these marriages.

The third class of objection which has been brought against this Bill are the social objections. We are told that the happy relation which exists between brothers-in-law and sisters-in-law is in danger of being compromised or even altogether marred if this Bill is passed. The noble Marquess Lord Salisbury asked very pointedly: "Are you to regard a sister-in-law exactly in the same light as any other woman?" The answer to that is undoubtedly, "No;" but, on the other hand, it is equally true that no man regards his sister-in-law as a sister under certain circumstances. I say without the faintest hesitation that none of your Lordships would allow a young daughter of your own to reside in the same house, or to travel abroad with a young widower brother-in-law, not because you have any doubt of the characters of the parties, but simply because you would not allow her to place herself in that compromising situation any more than in any other compromising situation. It, therefore, always seems to me that there is a certain unreality and almost cant used in speaking of this matter, as though it was a common practice in any class of life for a young sister-in-law to live with a young brother-in-law. It has been said over and over again that this is not a rich man's question, and we have been told to-night on high authority that it is not a poor man's question. The noble Marquess Lord Salisbury asked how it is that the right reverend Bench, with all their knowledge of the life of the poor, which, of course, we freely grant they possess, have not come across more instances of a demand of this kind in the course of their parochial experience. I think one reason for that may be that approaching the matter, as they do, without a tinge of sympathy, it stands to reason that the very last people who would be approached by those who find themselves in this difficult and painful position are those who regard the man who marries his deceased wife's sister as living in sin with the woman, and I think that that is to a certain degree an explanation of the question. Then the Bishop of Hereford attempted to draw an entirely different moral, and he said that if it is true that circumstances under which the poor live make it impossible for a sister-in-law to live with a widower brother-in-law without an illicit connection being established, it shows that your housing laws are wrong. It is not a question of housing. At least it is not primarily a question of housing. If you give these people eight or ten rooms the circumstances would be just the same. The point is not that the houses are small, but that the man's means do not allow him to engage for payment some other woman to look after his children as would be done in the case of more well-to-do classes. The point is that the sister-in-law goes almost as a matter of course in a number of cases to stay with the brother-in-law, with results which we all know. We have heard a great deal of conscience in this matter, and we have been asked not to lay the burden upon the conscience of people who dislike this Bill. I think we may be allowed to claim some conscience in the matter. We do not like, we most actively dislike, to leave the law in a condition which, as we believe, absolutely encourages the existence of this illicit connection in a very considerable class of the people of this country, and we therefore ask for the same credit of conscientious motives to be given to us in this matter which other noble Lords and right rev. Prelates themselves claim. The fact is, we believe that speaking generally—of course I know there are those who differ —the moral sense of the people of this country does not support the existing law, simply because they do not believe that any real moral stain attaches to those who break it. Some of the very best and wisest men in this House of Parliament and in the other House, and some of the greatest and wisest men, both in Church and in State, have taken this view. We believe that there is an ever-growing feeling that those who support the law as it stands and who dislike the notion of marriage with a deceased wife's sister, have no right to lay this burden upon their fellow-citizens who think differently, and we ask your Lordships to confirm that view by voting for the repeal of what we consider an unenlightened, an arbitrary, and an unjust law.

On Question, "That the word 'now' proposed to be left out stand part of the Motion," their Lordships divided:—Contents, 111; Not-Contents, 79.

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Bill read 2^{a} accordingly, and committed to a Committee of the Whole House on Friday next.

PATENTS AND DESIGNS BILL.

[SECOND READING.]

Order of the Day for Second Reading read.

*LORD GRANARD: The Bill which I have the honour to introduce to your Lordships' notice is, I fear, one of a very complicated and complex character, and I doubt whether I shall be able to explain it adequately. If I fail in that respect, however, there are many noble Lords who are lawyers and are much better able to explain its provisions. The Bill has for its object the remedying of the difficulties in the present law as regards patents and designs. It is well to remember in discussing this Bill what the origin of patents has been. As your Lordships are aware, the Crown originally claimed a right of bestowing monopolies on certain industries and subjects, and when in later years, I think in the time of the Stuarts, it was abolished, monopolies were reserved for the purpose of bestowing them on inventors in order to encourage them to foster and create new inventions. That system worked well for a considerable time, but for some time past foreigners have been taking out patents in this country with no intention whatever of working them here. It may be of interest to your Lordships to know how many patents have been taken out in this country and how many of those patents have been taken out by foreigners. During last year there were something like 14,700 orders, and of these 6,500 were granted to foreigners. In some industries this significant proportion is still more apparent. I would venture to draw your Lordships' attention to the industries of dyes and saccharine. In the case of dyes I think 95 per cent. of the total patents were taken out by foreigners, and in the case of saccharine the number, I think, was something like 92 per cent. A lot of foreigners take out these patents without any intention whatever of working them in this country, and under the Bill which I have the honour of presenting to your Lordships we hope to afford a remedy for this. We intend to ask a foreigner who takes out a patent and therefore obtains a monopoly in this country to give us adequate reasons why he does not work the patent in this country, and, if he is unable to do so, we shall either insist upon his granting a compulsory licence or in some way revoke his patent. There has been a certain amount of criticism on this clause, and it has been directed so far as I can make out on two points. One line of argument is that it savours of protection. I do not know how your Lordships can agree with this argument, for it seems to me to be strongly in favour of free trade. At the present moment the man who works a patent in this country is certainly at a great disadvantage, for foreign patentees take out patents in this country with no intention of working them here. Surely it is fair to ask a foreigner who obtains a monopoly to give some adequate return for the monopoly the State grant him, and I do not think it is unfair in any way to ask him what we suggest in this Bill. As your Lordships are aware, in the Bill which I think the Board of Trade brought in in 1902, the question of compulsory licences was considered. It was hoped that by that Bill compulsory licences would be taken out, but, as a matter of fact, the result has not been at all satisfactory. The mode of procedure was very expensive. The appeal was to the Privy Council, and I understand that that is a tribunal very expensive to plead before. No poor inventor of any sort or kind would be able to pay the amount necessary. Under the present Bill, we propose if possible to make this somewhat cheaper. The appeal will be to a single Judge, and that single Judge will be appointed by the noble Lord who sits on the Woolsack, and his decision will be final.

Another section which has been to a certain extent talked about is Section 24. Its object is to prevent unfair conditions and restrictions being attached to the acquisition of patented articles. There has been a certain amount of ground for complaint in that respect, and it has especially been brought before us very forcibly in regard to the boot trade. They are bound in that trade to enter into agreements which they are forced to keep, under which they may only use one particular machine, although many better machines may come out in the future. They are tied down to these original machines during t time their contract exists, and they are not allowed to use any other of any sort or kind. There are a great many other minor improvements in the law of patents. There is, I have pointed out, the simplification of the Patent Laws, the cheapening of procedure, and the securing of a diminution in the number of invalid orders. There is a provision for the revocation of patents and another provision that a patent is not to be invalid by reason of an invention having been published which was not within the knowledge of the man who invented the patent. There are also provisions made as regards patent agents. There are, as your Lordships' doubtless know, a certain number of what are known as registered patent agents, over whom the Board of Trade have absolute control, and the Controller can refuse to deal with these people. As regards unrecognised patent agents, he has no power whatever. Under the Bill at present before your Lordships this is intended to be remedied, and the Controller will be able to refuse to recognise unregistered patent agents who have been guilty of disgraceful professional conduct, and also to refuse to have anything to do with foreigners who have not a place of business in this country.

The latter part of the Bill deals completely with designs, and the provisions of this part of the Bill have been approved by the whole of the Chambers of Commerce. I do not know that there is very much more that it is necessary for me to say. Perhaps I might say that this Bill has been welcomed in the House of Commons almost universally. The colleague of the noble Lord opposite, Mr. Bonar Law, who was at the Board of Trade with him, made, if I remember right, one great complaint against the Government. He said that while all his colleagues had ample opportunity of criticising measures of the Government, he was in the unfortunate position of always having to agree with the measures brought forward by my right hon. friend the President of the Board of Trade. I only hope that the noble Marquess, whose colleague Mr. Bonar Law was at the Board of Trade, may take the same view and give this Bill a favourable consideration on Second Reading.

Moved, "That the Bill be now read 2^a."

THE MARQUESS OF SALISBURY: I am afraid I owe your Lordships a very humble apology for once more presenting myself to address you. I do so upon a very much less exciting topic, but one which is not less important in its character. I can only promise I will be very short. The noble Earl who has explained this Bill has expressed the hope that the amicable relations which subsist between the representatives of the Board of Trade and the ex-representatives of the Board of Trade in the House of Commons will be found to be true in this House also. I do not think he has reason to complain of my attitude during the last two years in respect of Board of Trade business, and, as regards this Bill, there is no reason why there should be any great difference of opinion between us. On its principle and on most of its details I think it will be found that no great difference of opinion exists in your Lordships' House, but I am bound to say that I think the way in which this Bill has been presented to the House does call for comment, and, indeed, for serious complaint. I ask your Lordships—is it a proper thing to present for the first time to the House of Lords a Bill of this enormous importance upon 20th August at eleven o'clock at night? This Bill with all its merits, is a Bill of detail, and any matters of dispute in it are all matters of detail which under happier circumstances would be far better discussed in your Lordships' House than anywhere else, because in your Lordships' House are contained men of great experience, both in industrial matters and in matters of law, men whose equal, with all respect to the House of Commons, are not to be found in that branch of the Legislature. I think that it is almost wanton, if I may use such a phrase, of His Majesty's Government to use the House of Lords so badly in respect of this most important Bill. There is really no reason in the world why the Bill should not have been brought before us at an earlier period of the session. Why was it not introduced in your Lordships' House? That would have been an easy and proper method. I am sure if it had been introduced in your Lordships' House in the earlier part of the session, it would have been sent to a Select Committee which would have threshed out its details, brought to bear upon it first-class knowledge, and turned out a first class Bill. But as it is, what are we to do? I look around. One or two legal luminaries are still here, but where, for example, is the Lord

Chief Justice? He is known to be a great authority on Patent law. He is not here. Where is Lord Coleridge? He is not here. He was always introducing a Patent Bill when I was in the House of Commons. The same thing may be said of those who are engaged in industry. Where is Lord Avebury? He is on the Associated Chambers of Commerce and on the Board of Trade Advisory Committee. He is not to be found. Discussion in your Lordships' House under these circumstances is nothing less than a farce, and is not deserving of the name of a real discussion by a legislative assembly. I have made my protest, and I earnestly hope the members of the Government who sit in your Lordships' House, and who, I am sure, cannot approve of such treatment, will exercise their influence on the Government next year and see that Bills of this kind, which are pre-eminently those which ought to be introduced here, are introduced here at an earlier part of the session.

I do not propose on the present occasion to say much as regards the Bill itself. There are considerable difficulties which I think ought to be explained when we get into Committee. I will only enumerate them more for the purpose of giving notice of the kind of thing which ought to be discussed in Committee than with the view of dwelling upon them. There is, for example, the question under Clause 3, which makes it incumbent under certain circumstances upon an inventor of chemicals, who seeks a patent, to produce samples of his work. It is alleged that that will press very hardly upon the poor inventor who very often has not access to the machinery to produce a sample. There is a question in Clause 4 as to cognate orders—a most difficult and intricate matter. It is alleged that great confusion may arise in respect of the fact that your cognate patent is antedated to the same date as the original patent. Then there is the more important clause, Clause 7. The noble Earl knows that that is a question which excites a good deal of feeling. Under Clause 7 the Controller, in the first instance at any rate, has power to refuse the patent altogether if he thinks it has been completely anticipated. Hitherto, if a man has taken a patent out under those circumstances, he has taken it out at his own risk, and no one has had the right to stop him altogether. When the proper time comes I shall be prepared, I think, to explain to your Lordships how it is that such a change in the law may act with considerable hardship upon inventors, but I will content myself for the moment with saying that a very important document was, I think, prepared and presented to the Board of Trade, signed by an enormous number of persons of great importance in the world of invention, including a most eminent member of your Lordships' House—Lord Kelvin—which protested against the conditions of Clause 7. Then there is the question of the single Judge. I quite agree for my own part that there is a great deal to be said for referring these questions to a single Judge, but there seems to be a necessity that there should be some means when we reach important and intricate matters of Patent law, to refer the decision to a higher Court of Appeal. I shall be very glad as regards the other clauses of the Bill, when we come to them, if the noble Earl is able to explain upon what principle the words "exclusively or mainly manufactured in this country" will be interpreted. I am not opposed to the principle of this clause, but I think some of the words are so vague that they will give rise to very expensive litigation. I should also like to ask in connection with that clause what are the positions of foreign treaties which are referred to in the latter part—whether in foreign treaties, which, of course, are very much complicated by the existence of the most-favoured-nation clause, it will be possible for this clause to operate at all. I may just say one word as to compulsory licences, and it shall only be one word. The noble Lord said that the section in the Act of 1902 had failed. He was quite right in that observation, but I would call to his notice the fact that it failed because of the expense and the expense alone. It does not, however, follow that because the clause in the Act of 1902 failed, the principle of compulsory licences is a bad principle. I am glad, therefore, to find that the principle still appears in the Bill, although the tribunal is no longer the Privy Council but a single Judge.

There only remains one word to be said in regard to Clause 24. That clause is a very novel clause. I do not deny that the argument the noble Earl used just now has a great deal in it. I am not at all prepared to say that the nation has not the right, in return for the monopoly which it grants, to impose certain conditions upon the use of that monopoly. That appears to me perfectly defensible in theory, and, indeed, it may be defensible in practice too. But I think we ought, before we part with that clause in Committee, to have some account of the reasons which have led the Government to put it in the Bill. Until I have heard those reasons I should like to reserve my opinion as to whether the clause deserves the complete support of your Lordships' House. It will be seen from the observations I have ventured to make that none of the objections to which I have called attention are objections of principle. They are all matters of detail, and, if I have detained your Lordships for a few moments, it is for the purpose of giving notice to my noble friend of those matters which seem likely to arise when we get into Committee and not for the purpose of stopping the passage of the Bill.

The LORD PRIVY SEAL (The Marquess of Ripon): I must admit that the noble Lord has some cause of complaint. All I can say is that the Bill was very carefully considered in the other House. I believe it was six weeks in Grand Committee. That is one of the reasons why it comes up to us so late. I have always been very pessimistic, whether I sat on this side or on the other side of the House, with reference to the dates on which Bills come up to this House. If the Bill, however, be late here, there is no doubt that the noble Marquess thoroughly understands it, and that he will be prepared when we get into Committee to make any observations he desires. I am quite sure my noble friend behind me will be equally ready to make a reply. The Bill is a very important one, and it does deserve good consideration. I regret that a Bill of this kind should have come up at this period of the session, but it is not the first occasion on which things of this sort have happened, and I am afraid it is not likely to be the last.

Viscount ST. ALDWYN: It is very difficult to say much after the generous apology the noble Marquess has made, but, as a past President of the Board of Trade, I would venture to say this much in addition to what he has said as to whether a way might have been found out of the difficulty. This is not a party measure, and it is a Bill the details of which can really be discussed only by experts such as lawyers or gentlemen concerned in some industrial occupation. It is a Bill which, of all others, I should have thought, speaking with some little official acquaintance of the subject, might have been introduced in your Lordships' House earlier in the session. I hope the noble Marquess opposite will at any rate use his influence next year to see that something of the kind will be done as regards measures of a similar character to the present Bill.

On Question, Motion agreed to.

Bill read 2^a, and committed to a Committee of the Whole House on Friday next.

PATENTS AND DESIGNS (CONSOLIDATED) BILL.

[Second Reading.]

Order of the day for Second Reading read.

Lord GRANARD: This Bill is a purely consolidation measure, and I venture to ask your Lordships to grant it a Second Reading.

Moved, "That the Bill be now read 2^a."

Viscount St. ALDWYN: Is it the intention of the noble Lord to fuse this Bill with the previous measure?

Lord GRANARD: That is the intention eventually, but I think it is very improbable we shall be able to do it this session.

Bill read 2^a and committed to a Committee of the Whole House on Friday next.

MERCHANT SHIPPING (TONNAGE DEDUCTION FOR PROPELLING POWER) BILL.

Amendment reported (according to Order.)

*LORD **ELLENBOROUGH**: I am sorry to detain your Lordships for a couple of minutes at this late hour, but I think I ought to make some remarks as to the manner in which the Bill has been brought before you. It deals with a highly technical question, and when it was put down for Second Reading there was a Motion that it should be referred to a Select Committee. We were then told that it was too late in the session for that to be done without losing the measure altogether, and that it had been fully considered by a Select Committee of the other House. Now, though the last sitting of that Committee was on the 17th of July, the evidence taken by it, and the arguments used before it, have never been available to members of this House. The attention of the Government was called to this point, both on the Second Reading and Committee stages, but this House is still entirely in the dark as to what evidence and arguments were used before that Committee, which, I may remark, was not unanimous. I consider that as long as a Second Chamber continues to exist the documents necessary to enable it to come to correct decisions ought to be printed and made available before Bills reach the Second Reading.

LORD **GRANARD**: In reply to my noble friend I think it was nearly a week ago that we asked the Commons to let us have the minutes of evidence taken before this Committee. I am not quite sure whether they have yet reached your Lordships' House. It has taken nearly seven days to get them, but I hoped they would have been in your hands before now. I can only regret the circumstances and trust that my noble friend will allow me to proceed with the Bill.

THE MARQUESS OF **SALISBURY**: I hope my noble friend will allow the Bill to proceed. We have ventured to make a respectful protest in connection with this Report. I think it ought to have been printed, but I hope my noble friend will be satisfied with the protest he has made, and I think at this period of the session it would not be reasonable to ask the Government to delay the measure any longer.

LORD **GRANARD**: There are two or three Amendments purely of a drafting nature which I would venture to ask your Lordships to accept. I beg to move that the said Amendments be now inserted.

Drafting Amendments agreed to.

Bill to be read 3a to-morrow; and to be printed as amended. (No. 191.)

COUNCIL OF INDIA BILL.

Motion made, "That this Bill be now read a third time."—(*The Marquess of Ripon.*)

VISCOUNT **MIDLETON**: Last week I addressed one or two questions to the Government on the Second Reading of the Bill, and no reply was made at the time. I would just reiterate that it seems to me that, in regard to that portion of the Bill which involves an increase in the Council of India, no case whatever has been made out for it. On the contrary, the Council at present is supposed to have twelve members, but in point of fact for several years it has not had more than eleven and usually ten. At this moment there are only nine, although the Secretary of State has recently made two appointments and has a third vacancy which would enable him to make another appointment besides the two native Indians. I venture to urge upon your Lordships and upon the Government that it is extremely undesirable to dilute the Council and dilute their responsibility, and I think a very clear case ought to be made out both for the increase of members and the decrease of pay, which forms a complete change in the Act of 1858. We have practically had in this House no explanation of the necessity for this particular change, although there are other changes made n the Bill which have been recognised to be advantageous. I should be glad to know whether the noble Marquess has had an opportunity of consulting the Secretary of State, and, if not, whether he would consider the advisability of ascertaining whether this considerable change should be completed without further consideration.

The Marquess of RIPON: I have not had an opportunity of personally communicating with Mr. Morley, because he has been out of town for a few days, but I have written to him. I expect he will return almost immediately, and I am quite ready to put off the Third Reading of the Bill till Monday if that will be convenient to the noble Viscount.

Third Reading put off to Monday next.

JUDICATURE (IRELAND) BILL.

[Second Reading.]

Order of the Day for Second Reading read.

Lord DENMAN: This is a Bill to carry out certain provisions outlined in the Labourers (Ireland) Act, which I had the honour of introducing last year. It is not a very important or contentious measure, and I think I shall be best studying the convenience of the House if I do not at this hour go into the details of it.

Lord NEWTON: What is the Bill about?

Lord DENMAN: I shall be pleased to go into the details, if the noble Lord desires. It is a Bill to reduce the number of Judges of the King's Bench of the High Court of Justice in Ireland from ten to eight. It is said that this number will be ample for the work of the King's Bench Division in Ireland. Clause 2 of the Bill says that the existing salary of the Lord Chancellor, which is £8,000 a year, and is fixed by Section 1 of the Lord-Lieutenant's and Lord Chancellor's Salaries Act of 1832, will be reduced by £2,000 a year. It is not proposed to reduce the pension of the office, which is £4,000 a year. It will remain at the same proportion of two-thirds of the salary as is the case with all the Judges in Ireland. Clause 3 states that the effect of the Bill will be to liberate the sum of £2,000 annually, and on the occurrence of the next two vacancies in the King's Bench Division an additional annual saving will be made of £3,500. This will make a total sum of £9,000 a year, and, in accordance with the provisions of the Labourers Act of Ireland—the details of which, I have no doubt the noble Lord remembers—it will be devoted to the financial provisions of that Act, and will assist in building labourers cottages in Ireland. Those are the provisions of the Bill, and I hope I have given Lord Newton sufficient details, and that he will now allow it to be read a second time.

Moved, "That the Bill be now read 2^a."

Lord NEWTON: I am not going to oppose the Bill, but I consider the noble Lord and the House ought to be grateful to me for having extracted valuable information. It is evidently an important measure which was going to pass without any comment at all.

On Question, Motion agreed to.

Bill read 2^a, and committed to a Committee of the Whole House on Thursday next.

ISLE OF MAN (CUSTOMS) BILL.

Read 2^a (according to Order): Committee negatived: Then (Standing Order No. XXXIX. having been suspended) Bill read 3^a, and passed.

CONSOLIDATED FUND (APPROPRIATION) BILL.

Read 1^a; and to be read 2^a To-morrow. (The Lord Privy Seal [*M. Ripon*]).

ADJOURNMENT.

The Marquess of RIPON: In moving that this House do now adjourn, I beg to state that I propose to take the Appropriation Bill for the first business to-morrow. I believe some noble Lords desire to make some observations of a general character in connection with it, and probably it will be more convenient that it should be taken as the first business. I would take this opportunity of saying that we may have to ask the House to sit on Saturday. I cannot say at this moment whether it will be necessary—I shall endeavour to avoid if it I can—but I think it more than probable we may have to sit on Saturday.

THE LORD CHANCELLOR: It was contemplated that there would be a Commission to give the Royal Assent to several Bills, including the Appropriation Bill, to-morrow. The discharge of the Appropriation Bill is therefore rather urgent. If the course proposed by my noble friend be taken, I do not know whether your Lordships will be able to assent approximately to some hour so that the Speaker may be notified beforehand, and so that we may see whether it is convenient.

THE MARQUESS OF LANSDOWNE: We shall be very glad to consult the convenience of the House and of the Government, but at the same time we do consider we should be given an opportunity of making any observations we desire to offer upon the Appropriation Bill. I suggest if it is put down for first Order to-morrow that that ought to enable the arrangements to which the noble and learned Lord on the Woolsack has referred to be carried out. What time will the Commission be?

THE LORD CHANCELLOR: I do not know how long the debate will last, but the Commission was provisionally fixed for four o'clock. If six would do, we might communicate.

THE MARQUESS OF LANSDOWNE: We will endeavour to say what we have to say before that hour.

House adjourned at Twenty-five minutes before Twelve o'clock till To-morrow, a quarter past Four o'clock.

HOUSE OF COMMONS.

Tuesday, 20th August, 1907.

The House met at a quarter before Three o'clock.

PRIVATE BILL BUSINESS.

Alexandra (Newport and South Wales) Docks and Railway (Additional Capital, &c.) Bill; Barry Railway Bill; Metropolitan Water Board (Various Powers) Bill. Lords Amendments considered, and agreed to.

London County Council (General Powers) Bill. Lords Amendments, in pursuance of the Order of the House [19th August], considered, and agreed to.

Aberdeen Harbour Order Confirmation Bill [Lords.] Read the third time, and passed, without Amendment.

Inverness Royal Academy Order Confirmation Bill. Read the third time, and passed.

MESSAGE FROM THE LORDS.

That they have agreed to, Metropolitan Water Board (Charges, &c.) Bill, with an Amendment.

That they have passed a Bill, intituled, "An Act to confirm a Provisional Order, under The Private Legislation Procedure (Scotland) Act, 1899, relating to Lanarkshire County Council." [Lanarkshire County Council Order Confirmation Bill] [Lords].

Lanarkshire County Council Order Confirmation Bill [Lords]. Ordered under Section 7 of The Private Legislation Procedure (Scotland) Act, 1899, to be considered To-morrow.

PETITIONS.

EDUCATION (SPECIAL RELIGIOUS INSTRUCTION) BILL.

Petition from West Derby, against; to lie upon the Table.

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.

Petition from Bardwell, against; to lie upon the Table.

SMALL LANDHOLDERS (SCOTLAND) BILL.

Petition from East Lothians, for alteration; to lie upon the Table.

RETURNS, REPORTS, ETC.

WORKMEN'S COMPENSATION.

Copy presented, of Statistics of Proceedings under the Workmen's Compensation Acts, 1897 and 1900, and The Employers' Liability Act, 1880, during the year 1906 [by Command]; to lie upon the Table.

REFORMATORY AND INDUSTRIAL SCHOOLS (IRELAND).

Copy presented, of Forty-fifth Report of the Inspector for the year 1906 [by Command]; to lie upon the Table.

LOCAL TAXATION RETURNS (ENGLAND.)

Copy presented, of the Annual Local Taxation Returns for 1905–6 [by Act]; to lie upon the Table, and to be printed. [No. 321.]

POST OFFICE.

Copy presented, of Fifty-third Report of the Postmaster-General [by Command]; to lie upon the Table.

CLERGY (WEST INDIES).

Copy presented, of Return of the Amount payable on 5th January, 1907, out of the Consolidated Fund for Ecclesiastical purposes in the West Indies [by Act]; to lie upon the Table.

PAPERS LAID UPON THE TABLE BY THE CLERK OF THE HOUSE.

1. Adjournment Motions under Standing Order No. 10, Return relative thereto [ordered 19th August; *Mr. Caldwell*]; to be printed. [No. 322.]

2. Closure of Debate (Standing Order No. 26), Return relative thereto [ordered 19th August; *Mr. Caldwell*]; to be printed. [No. 323.]

3. Public Bills, Return relative thereto [ordered 19th August; *Mr. Caldwell*]; to be printed.

4. Public Petitions, Return relative thereto [ordered 19th August; *Mr. Caldwell*]; to be printed.

5. Select Committees, Return relative thereto [ordered 19th August; *Mr. Caldwell*]; to be printed.

6. Standing Committees, Return relative thereto [ordered 19th August; *Mr. Caldwell*]; to be printed.

7. Sittings of the House, Return relative thereto [ordered 19th August; *Mr. Caldwell*]; to be printed.

8. Business of the House (Days Occupied by Government and by Private Members), Return relative thereto [ordered 19th August; *Mr Caldwell*]; to be printed. [No. 324.]

9. Private Bills and Private Business, Return relative thereto [ordered 19th August; *Mr. Caldwell*]; to be printed.

UNEMPLOYED WORKMEN ACT, 1905.

Return ordered, "as to the proceedings of Distress Committees in England and Wales, and of the Central (Unemployed) Body for London, under The Unemployed Workmen Act, 1905, during the year ended the 31st day of March, 1907."—(*Mr. John Burns.*)

EDUCATION (ENGLAND AND WALES) (SMALL SCHOOLS).

Return ordered, "of the number of Departments of Public Elementary Schools within the area of each local education authority in the year ending the 31st day of July, 1906, in which the average attendance did not exceed sixty:—

Local Education Authority.	Total Number of Departments.	Number of Departments with average attendance not exceeding 40.				Number of Departments with average attendance exceeding 40 and not exceeding 50.				Number of Departments with average attendance exceeding 50 and not exceeding 60.			
		Certificated Head Teacher.	Other Qualified Head Teacher.	No Qualified Head Teacher.	Total.	Certificated Head Teacher.	Other Qualified Head Teacher.	No Qualified Head Teacher.	Total.	Certificated Head Teacher.	Other Qualified Head Teacher.	No Qualified Head Teacher.	Total.

—(*Mr. Yoxall*)

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

Retirement of Temporary Civil Service Clerks.

MR. CLAUDE HAY (Shoreditch Hoxton): To ask the Secretary to the Treasury whether he is aware that a small body of men designated temporary clerks, who have been employed in certain departments of His Majesty's Civil Service for a period of fifteen or twenty years, have been given notice to retire; and whether, in view of the fact that these men will not receive pensions, and that their salaries have not been subject to any increment, he will state the amount of bonus which will be awarded to them for their long services.

(*Answered by Mr. Runciman.*) I have no knowledge of any such notice having been given. Such notice would not require the concurrence, and would not in the ordinary course be within the knowledge, of the Treasury. As regards the award, if any, to be made to such persons on retirement I am unable to make any statement in the absence of full particulars of the cases referred to.

Punishments in the Royal Navy.

MR. LEA: To ask the Secretary to the Admiralty, with reference to Cd. 3628, the Punishments in the Royal Navy during 1906, what were the offences and sentences in each case of the twelve men sentenced to penal servitude, the places of offence and trial, and the ship each man belonged to, and the offences and sentences of each individual in the seven cases who suffered corporal punishment with birch, the date on which each birching took place, where it occurred, and the name of each individual's ship.

(*Answered by Mr. Lambert.*) The particulars asked for are shown in the accompanying tables:—

I. Sentences of Penal Servitude.

Rating.	His Majesty's Ship.	Place at which offence was committed.	Place at which court martial was held.	Date of court martial.	Charges proved or to which prisoner pleaded guilty.	Length of sentence.	Remarks.
Able seaman	Cambrian	Port Said	Sydney, New South Wales	1906 8th Jan.	1. Attempting to use violence against his superior officer being in the execution of his office. 2. Striking his superior officer being in the execution of his office.	5 years	
Ordinary seaman	Majestic	On shore at Gibraltar	Portland	31st Jan.	Sodomy.	5 years	
Stoker	Majestic	On shore at Gibraltar	Portland	31st Jan.	Sodomy.	5 years	
Able seaman	Flora	At sea	Hong Kong	5th Feb.	1. Act to prejudice of good order and naval discipline in leaving the quarter deck without permission whilst undergoing 10a punishment. 2. Wilful disobedience of lawful command. 3. Striking his superior officer being in the execution of his office. 4. Act to the prejudice of good order and naval discipline in breaking out of irons. 5. Using violence against his superior officer being in the execution of his office.	3 years	Tried, together, with S. T. Mills, able seaman, and A. Ralph, ordinary seaman (see below).
Able seaman	Flora	At sea	Hong Kong	5th Feb.	1. Act to prejudice of good order and naval discipline in leaving the quarter deck without permission whilst undergoing 10a punishment. 2. Wilful disobedience of lawful command. 3. Attempting to strike his superior officer being in the execution of his office. 4. Act to the prejudice of good order and naval discipline in breaking out of irons. 5. Using violence against his superior officer being in the execution of his office.	3 years	These two, with F. C.

seaman		At sea	Hong Kong	5th Feb.	1. Act to prejudice of good order and naval discipline in leaving the quarter deck without permission whilst undergoing 10a punishment. 2. Wilful disobedience of lawful command. 3. Using violence against his superior officer being in the execution of his office. 4. Act to the prejudice of good order and naval discipline in attempting to use violence against a sentry. 5. Act to the prejudice of good order and naval discipline in breaking out of irons. 6. Using violence against his superior officer being in the execution of his office.	3 years	Jacobs, able seaman, were tried together (see above).
Ordinary seaman	London	Malta	Malta	21st Feb.	1. Absence without leave. 2. Striking his superior officer being in the execution of his office.	3 years	To be brought up in 2 years.
Stoker	Bedford	Chatham	Gibraltar	7th March	1. Absence without leave. 2. Striking his superior officer being in the execution of his office.	3 years	
Stoker	Antrim	At sea	Arosa Bay, Villagarcia	8th March	1. Behaving with contempt to his superior officer. 2. Striking his superior officer being in the execution of his office. 3. Act to the prejudice of good order and naval discipline in violently resisting an escort. 4. Attempting to strike his superior officer being in the execution of his office.	4 years	
Stoker	Antrim	At sea	Arosa Bay, Villagarcia	8th March	1. Striking his superior officer being in the execution of his office. 2. Act to the prejudice of good order and naval discipline in striking a private R.M.L.I. 3. Act to the prejudice of good order and naval discipline in violently resisting an escort.	4 years	
Stoker, 1st Class	Victory	Portsmouth	Portsmouth	23rd Nov.	Two, of inciting stokers to join in a mutinous assembly.	5 years, reduced to 3 years	To be brought up in 12 months.
2nd yeoman of signals	Amphitrite	Chatham	Chatham	20th Dec.	1. Theft of a boat's signal book. 2. Improperly leaving his ship.	5 years, reduced to 3 years	

II. Cases of Corporal Punishment with Birch.

(Prior to Admiralty Order for its suspension, or to promulgation of the same.)

Rating.	Date.	Place at which punishment was inflicted.	Offences.	Sentence. Cuts with birch.
Boy, 1st Class, H.M.S. "Victory"	1906 3rd Jan.	R.N. Barracks, Portsmouth	Desertion from H.M.S. "Glory"	24
Boy domestic, H.M.S. "Pembroke"	5th Jan.	R.N. Barracks, Chatham	1. Misappropriation of money entrusted to him 2. Obtaining money under false pretences	24
Boy domestic, H.M.S "Vivid"	8th Jan.	R.N. Barracks, Devonport	Stealing officers' clothing	18
Boy domestic, H.M.S. "Pembroke"	13th Jan.	R.N. Barracks, Chatham	Desertion from H.M.S. "Pembroke"	24
Boy, 1st Class, H M.S. "Ganges."	15th Jan.	H.M.S. "Ganges," Harwich	1. Absence over leave 59 hours 2. Disposing of part of his uniform	20 (also 60 days leave stopped, and 60 days pocket money and 12 days vacation leave stopped, and pay all expenses).
Boy, 1st Class, H.M.S. "Ganges"	15th Jan.	H.M.S. "Ganges," Harwich	1. Absence over leave 59 hours 2. Disposing of part of his uniform	20 (also 60 days leave stopped, and 60 days pocket money and 12 days vacation leave stopped, and pay all expenses).
Signal boy, H.M.S. "Victory"	3rd Feb.	R.N. Barracks, Portsmouth	Breaking out of ship and desertion from H.M.S. "Victory"	24

Post Office Women Clerks—Miss Howse.

MR. FIELD (Dublin, St. Patrick): To ask the Postmaster-General whether, seeing that Miss Howse, the president of the Association of Post Office Women Clerks, was recently superseded by three of her juniors, notwithstanding the fact that she has been in the Post Office service thirteen and a half years, and during nine or ten years has been employed on special duties, he will state what official reason was put forward by the lady superintendent for thus superseding this young lady.

MR. FIELD: To ask the Postmaster-General whether it was with his sanction that the lady superintendent of the Post Office Savings Bank recently conveyed to Miss Howse the information that, although her work was excellent, she was passed over for promotion because she was insolent and insubordinate; whether the only insolence and insubordination that this young lady was guilty of consisted in being president of the Association of Post Office Women Clerks, and in taking an active part in furthering the interests of that association; and seeing that this lady superintendent has acted in a similar manner towards her subordinates in several other instances, will he say what steps he intends to take in the matter.

(*Answered by Mr. Sydney Buxton.*) Miss Howse has herself properly approached me on the subject of the recent promotions at the Savings Bank, and I am inquiring into her case and her allegations. Pending my decision it is highly improper that a Member of Parliament should have been approached in the matter. If I thought that the officer in question had herself instigated or been cognisant of the Question I should be unfavourably impressed with her judgment or her fitness for promotion.

MR. FIELD: To ask the Postmaster-General whether it is with his permission that the lady superintendent of the Savings Bank Department frequently exceeds her official duties by having covert threats of dismissal, and without preferring any charge, conveyed to her subordinates who may be suspected of matters which are personally disapproved of by her; if not, will he give instructions that methods of this description must be stopped, and that all charges made must be in writing with full opportunity of defence to the suspected person; and will he state the age, length of service, and date of retirement of this lady superintendent.

MR. FIELD: To ask the Postmaster-General whether, seeing that he has accorded full liberty to Post Office servants to combine in their own interests, he will explain whether it was with his permission that the lady superintendent of the Post Office Savings Bank conveyed to her subordinates the information that she disapproved of the Association of Post Office Women Clerks, that she disapproved of their holding meetings, that she disapproved of their giving evidence before the Select Committee on Post Office Servants, and that she would not allow them to hold meetings in the Savings Bank premises; whether he is aware that she sent her own particular friends to take private notes of the proceedings when meetings have been held by these women clerks outside the Post Office buildings, and that she afterwards sent for the speakers at such meetings and cautioned them; and whether he proposes to take any steps in the matter.

(*Answered by Mr. Sydney Buxton.*) It is well known in the service that officers who may consider themselves aggrieved by the action of their superior officers can lay their alleged grievances before me. I much regret, therefore, that any officer in the service should have preferred publicly to promulgate anonymous and unsubstantiated statements such as those contained in the Questions.

H.M.S. "Agamemnon."

MR. W. T. WILSON (Lancashire, Westhoughton): To ask the Secretary to the Admiralty whether he is aware that the painting work in connection with the construction of H.M.S "Agamemnon," now being built by Messrs. Beardmore, of Dalmuir, is almost entirely being done with a machine and by unskilled labour; and whether this is in accordance with the terms of contract signed by the firm.

(*Answered by Mr. Lambert.*) Nearly the whole of the painting work on the "Agamemnon' has been and is being carried out by skilled manual labour and only a very small proportion by machine. The skill of the labour employed upon the machine is judged by the results, which have been satisfactory. The use of the machine is not forbidden by the conditions of the contract, but no work performed in an unskilful way will be accepted.

Mechanician Experiment.

MR. C. DUNCAN (Barrow-in-Furness): To ask the Secretary to the Admiralty when it is proposed to report to this House the result of the mechanician experiment, and its total cost to date, so that Members may have an opportunity of discussing it.

(*Answered by Mr. Lambert.*) An opportunity of discussing this question will arise on Vote A and Vote 1 of next year's Navy Estimates. I am advised that it is impossible to give an estimate of the total cost.

MR. C. DUNCAN: To ask the Secretary to the Admiralty if his attention has been called to the fact that the inculcation of the idea that chief stokers and engine-room artificers are their greatest enemies is made part of the educational training of mechanicians for His Majesty's Navy, and upon what grounds this is based; and whether, in the interest of good order and discipline, he will take steps for its discontinuance.

(*Answered by Mr. Lambert.*) There is no foundation whatever for this allegation.

Engine-Room Artificers.

MR. C. DUNCAN: To ask the Secretary to the Admiralty if engine-room artificers have loyally carried out the duties imposed upon them in the training of mechanician candidates; and will he state the terms of the last report giving the results of their labours.

(*Answered by Mr. Lambert.*) The answer to the first Question is in the affirmative. The Report stated that with one exception all the mechanicians passed satisfactorily.

Stokers' Promotion.

MR. C. DUNCAN: To ask the Secretary to the Admiralty what are the terms of advancement from stoker in His Majesty's Navy to chief stoker and mechanician, respectively; are candidates for S. P. O. and C. S. ratings selected only from those who express their willingness to continue with the course of training for mechanician if required.

(*Answered by Mr. Lambert.*) The regulations on this subject are numerous and detailed, and I have caused a copy to be sent to the hon. Member. The Answer to the second part of the Question is in the negative.

Stokers in the Navy.

MR. C. DUNCAN: To ask the Secretary to the Admiralty how many men have joined His Majesty's Navy as stokers since 1st October, 1906; what was stated by them as their former occupations; have the age and height for entry been reduced since that date; what number of seamen and marines have changed their rating to that of stoker since that date; and what is the number of stokers now short of the complement required irrespective of Royal Naval Reserve men.

(*Answered by Mr. Lambert.*) The Answer to the first part of the Question is 2,805. It will be obvious from this that the second Question does not admit of a Parliamentary Answer. As to the third Question the Answer is in the negative. The figures asked for in the fourth Question are, approximately, seamen, 409; marines, 82. The Answer to the fifth Question is 500.

Pensioners and Home Service Billets.

MR. C. DUNCAN: To ask the Secretary to the Admiralty to what extent it is proposed to substitute pensioners for active-service ratings in Home service billets, enumerating for what special duties they will be utilised and from what Vote their wages will be paid; and will their pension allowance be stopped whilst they are in receipt of full pay for employment in their former rating.

(*Answered by Mr. Lambert.*) The extent to which the substitution of pensioners for active service ratings will be carried out depends upon the requirements of the service. Pensioners entered as civilians are employed on duties for which they are considered more suitable than active-service ratings, such as caretakers, attendants, etc., and to a limited extent on instructional duties. The charge will fall mainly on Vote 11 (Miscellaneous Effective Services). The Answer to the last Question is in the negative.

Stamford Embezzlement Case.

MR. BOTTOMLEY (Hackney, S.): To ask the Secretary of State for the Home Department whether his attention has been called to the case of a man named Herbert Stanton, who, after upwards of thirteen years' service, was arrested on his honeymoon and charged before the Stamford borough magistrates with embezzling the sum of £13 19s. from his employers, and, after, being remanded three times without bail, has now been committed for trial at the Stamford quarter sessions, which will not be held till the end of October next, bail still being refused; and whether he will consider the desirableness of a representation to the magistrates upon the subject, or take such other steps as may be necessary to prevent a prisoner charged under such circumstances remaining in custody for a period of upwards of three months pending trial.

(*Answered by Mr. Secretary Gladstone.*) I have made inquiry into this case. The question of allowing bail when a felony is charged is one for the discretion of the committing magistrates. I am informed that the charges against the defendant are more serious than is indicated in the Question, as they include two charges of embezzlement, two of falsification of accounts, and two of converting his employer's money to his own use; and that the sessions at which they are to be tried are fixed for 1st October, not for the end of that month. In any case I have no authority to interfere; if any injustice has been done, the remedy is an application to a Judge of the High Court to grant bail.

Egyptian Administration.

MR. SWIFT MACNEILL (Donegal, S.): To ask the Secretary of State for Foreign Affairs whether Mr. Dallen, Mr. Hains, Mr. Anthony, Mr. King Lewis, and most of the other inspectors of the Egyptian Ministries of Finance and the Interior were teachers brought from England and transferred to their present positions, although not possessed of engineering certificates.

(*Answered by Secretary Sir Edward Grey*). I have no information on the subject, but I am not aware that the efficiency of these Gentlemen has been called in question.

Egyptian Ministry of Public Works.

MR. SWIFT MACNEILL: To ask the Secretary of State for Foreign Affairs whether Messrs. Yorke, Darke, Prampolini, and others, are, or are about to be, appointed to high posts in the Egyptian Ministry of Public Works, though not possessed of polytechnic school certificates or diplomas; whether many other European officials of the same Ministry have been so appointed though lacking such certificates; and whether they have been promoted over Natives who possess such certificates.

(*Answered by Secretary Sir Edward Grey*). I have no information as to the points raised by the hon. Member, and I would observe that questions of this kind lie solely within the discretion of the Egyptian Government, who must be trusted to make the best appointments in their power.

Political Unrest in Egypt.

MR. SWIFT MACNEILL: To ask the Secretary of State for Foreign Affairs how many of the Egyptian Ministers and how many of their British Advisers are now on duty at Cairo; and whether, in view of the alleged political unrest in Egypt, he can state when the Ministers now absent and the Agent-General will return to their posts.

(*Answered by Secretary Sir Edward Grey.*) I am not consulted as to the vacation of the Egyptian Ministers, nor do I propose to interfere in the matter. There is no reason, so far as I am aware, for interference with the annual leave of the British Advisers, and certainly none for the curtailment of that of the British Agent.

Assam Labour Commission.

MR. REES: To ask the Secretary of State for India whether the Government of India has yet taken action upon the Report of the Assam Labour Commission;

and whether any Papers on the subject can be laid in the Library.

(*Answered by Mr. Secretary Morley.*) I understand that the Report is still under the consideration of the Government of India. A copy was placed in the Library of the House in February last.

Plague in India.

MR. REES (Montgomery Boroughs): To ask the Secretary of State for India whether he will consider the advisability of giving, in Official Publications and Answers, together with the actual figures relating to plague mortality, the figures per mille of the population of India, in order that comparision may not be made with a population approximating to that of the United Kingdom.

(*Answered by Mr. Secretary Morley.*) I will bear in mind the hon. Member's suggestion in cases in which the additional information would be pertinent and correct, and might prevent misleading comparisons. When, as frequently happens, plague is practically confined to a province, a per mille ratio to the population of India would itself be misleading.

Grimsby Docks.

MR. BRUNNER (Lancashire, Leigh): To ask the President of the Board of Trade if he is aware that the Great Central Railway Company, the owners of the docks at Grimsby, have given instructions that the railway company's own boats plying between Grimsby and various Continental ports are to have priority in berthing and loading facilities over vessels belonging to, or chartered by, English traders for conveying traffic from the port of Grimsby to the port of London; whether such preference of the railway company's own traffic has been shown as against coal intended to pass from Grimsby to His Majesty's dockyard at Woolwich; and whether, in the public interest, he is prepared to put a stop to the preferential treatment complained of.

(*Answered by Mr. Kearley.*) The Board of Trade have been in communication with the railway company on the subject of my hon. friend's Question, and are informed that no instructions to the effect indicated have been given. The company state that in accordance with the course of business which has been uniformly followed at Grimsby, both before and since they acquired their dock property, casual steamers using the docks give place to vessels plying regularly to and from the port, but this description applies to the boats of several owners besides those of the company, and all are treated alike.

Promotions to Head Postmasterships.

MR. JAMES O'CONNOR: To ask the Postmaster-General whether, in view of the fact that it was represented to the Parliamentary Committee on post-office servants, by means of a printed chart as well as by departmental witnesses, that head postmasters have the right to look for promotion to the large postmasterships with salaries up to £775, including the postmasterships of Sheffield and Hull, he will explain why the vacant postmasterships at Sheffield and Hull have just been filled by the appointment of officers from the Secretary's Office, London, and the Surveying Department, respectively.

MR. JAMES O'CONNOR: To ask the Postmaster-General whether, seeing that the officer appointed postmaster of Sheffield has been considered unfit for promotion in his own Department, and has been passed over on several occasions by the promotion of junior officers of his own class, and that the officer appointed postmaster of Hull was second in the list of assistant surveyors, first-class, and therefore likely to have been promoted within a short time, if deserving, to a surveyorship carrying a salary of £600 by £25 to £900, he will say whether there are any head postmasters amongst the 877 members of that class who are in every respect well qualified for, and entitled to, promotion to such offices as those at Sheffield and Hull.

MR. JAMES O'CONNOR: To ask the Postmaster-General whether he is aware that dissatisfaction prevails throughout the ranks of the head postmasters in consequence of the manner in which their claims have been dealt with in the matter of promotions and of the fact that a much larger proportion of postmasterships carrying salaries of £400 and upwards have been filled by the promotion of officers other than postmasters since the present Postmaster-

General has been in office than was formerly the case; whether it is proposed to compensate head postmasters for the decrease in their prospects of promotion caused by these appointments of officers from other branches by promoting head postmasters to better positions in the Surveying Department, the Secretary's Office, and other departments of the postal service; and what steps the Postmaster-General will take to allay the feeling existing amongst those public servants.

(*Answered by Mr. Sydney Buxton.*) I will answer these three Questions together. It is not, and never has been, the case that promotion to the larger postmasterships is exclusively reserved for postmasters, nor was it so stated to the Select Committee. Postmasterships are staff appointments for which all officers of the post office are equally eligible and can make application, and postmasters have no exclusive claim to all or any particular proportion of them. There has been no change in practice in regard to the matter since I have been Postmaster-General. As regards the officers recently appointed postmasters of Sheffield and Hull they were, in my judgment, taking everything into account, the best qualified of the candidates who presented themselves. I need hardly say that before arriving at this conclusion I examined carefully the qualifications of all the postmasters who made application for these posts. The hon. Member may not be aware that the postmastership of Cardiff, which is of equal value with that of Sheffield, was filled at the same time by the promotion of a postmaster.

Assistant Clerks.

MR. PARKER (Halifax): To ask the Secretary to the Treasury, in view of the fact that the new class of assistant clerks is the only considerable body of permanent Government officials on the major establishment to which the privilege of twenty-one days annual leave after five years service is not extended, whether he is aware that this concession is granted to some officials junior in rank to assistant clerks; and whether, consequently, he can see his way to allow assistant clerks to count the time served by them as temporary boy clerks or copyists to reckon towards the completion of the period of ten years established service which it is at present necessary for these clerks to serve before they become entitled to eighteen days annual leave.

(*Answered by Mr. Runciman.*) I do not feel able to add anything to the reply which I gave to a somewhat similar Question put by the hon. Member for the Ludlow Division of Salop on the 9th ultimo.

Powers of School Boards.

MR. A. ALLEN (Christchurch): To ask the President of the Board of Education whether, in view of Section 20 (5) of the Elementary Education Act, 1870, under which the Board of Education may authorise a school board to put in force the powers of the Land Clauses Acts, either absolutely or with such conditions and modifications as they may think fit, the Board is prepared on the request of a local education authority to insert in Provisional Orders Confirmation Bills provisions modifying the Land Clauses Acts with regard to such matters as payment of compensation in the case of insanitary property, exemption from Section 133 of the Land Clauses Consolidation Act, 1845, and the power to take part only of properties.

(*Answered by Mr. McKenna.*) The Board of Education are prepared, on the request of a local education authority, to insert in Provisional Order Confirmation Bills, where the circumstances in the opinion of the Board justify such a course, those clauses which, having been frequently inserted in local Acts, are regarded in the practice of Parliament as model clauses.

Vagrants' Children.

MR. A. ALLEN: To ask the Secretary of State for the Home Department whether, in view of the evidence given by Mr. J. G. Legge, late chief inspector of industrial schools, before the Departmental Committee on Vagrancy (Minutes of Evidence, page 160, Questions and Answers 4621, 4623, 4624, and 4628), and in view of the Report of that Committee, he will, in his legislation for next session affecting children, take steps to secure that when the parent or guardian of a child is dealt with as an habitual vagrant, there shall be a power to the

Court to order the child to be sent to an industrial school.

(*Answered by Mr. Secretary Gladstone.*) I am aware of the evidence and recommendations to which my hon. friend refers, and I can assure him that they shall receive my careful and sympathetic consideration when the Bill is being drafted.

Mile End Local Government Inquiry.

MR. BOTTOMLEY: To ask the President of the Local Government Board whether his attention has been drawn to the fact that at the inquiry recently held at Mile End by one of the inspectors of the Local Government Board objection was taken to the legality of certain surcharges that formed the subject of the inquiry, on the ground that the audit had not been properly adjourned, and that such adjournment had not been proved, as required by Section 7 of the Poor Law Audit Act, 1848; and whether, seeing that the ultimate enforcement of these surcharges involves the liberty of the subject, he will undertake that during the recess the opinion of the Law Officers of the Crown shall be taken as to the validity of the proceedings of the auditor, and in the event of that opinion being against the validity of the auditor's action he will take immediate steps to declare these surcharges void.

(*Answered by Mr. John Burns.*) I understand that at the inquiry a question has been raised as to the legality of the surcharges on the ground that the audit at which they were made had not been properly adjourned. At present the inquiry is not completed, and the inspector's Report has not been made. Until I receive it, I cannot say what course it will be right for me to take with reference to the point raised.

Lord Cloncurry's Evicted Tenants.

MR. JOHN O'CONNOR (Kildare, N.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether any steps have been taken for the reinstatement of evicted tenants on the Kildare estate of Lord Cloncurry; and whether the claim of James Hanlon, of Newpark, Donadea, to be reinstated in his former holding of the lands of Kilmurry, from which he was evicted in the year 1882, has been considered; and, if so, what is the result.

(*Answered by Mr. Birrell.*) The Estates Commissioners inform me that they have received only one application for reinstatement on this estate, namely, the application of James Hanlon, which they have rejected. The Commissioners have ascertained that Hanlon merely held a grazing tenancy of the farm in which he sought reinstatement, and that he is at present the tenant of a farm of seventy acres on the estate.

Kilbride Labourer's Cottage.

MR. JOHN O'CONNOR: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that the Naas (No. 2) Rural District Council made recently an improvement scheme under the Labourers' Acts, and under the same proposed to erect a cottage for a labourer named John Richardson, in the townland of Kilbride, the site being on a holding in the occupation of Mr. Fletcher Moore, who objected that the site was on demesne land, such objection being upheld by Mr. John F. M'Cabe, Local Government Inspector; at the local inquiry into the scheme, did Mr. Moore, in his evidence, admit that this particular holding was distinct from his demesne, had been in the occupation of a tenant up to 1902, when the tenant was evicted, and since then has been on his hands; was the inspector correct in disallowing the site under the circumstances; and will the matter be reconsidered.

(*Answered by Mr. Birrell.*) The tenant's interest in the land on which the site in question is marked was purchased fifteen years ago by Mr. Fletcher Moore, who added it to the demesne surrounding his mansion house. The inspector considers that the plot comes within the exemptions specified in Section 6 of the Labourers' Act of 1883. The decision in such cases is vested by the Act of last year in the inspector, and his decision was arrived at after considering the evidence given at the inquiry and visiting the lands in question.

Castletown School Mistress.

MR. JOHN MURPHY (Kerry, E.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he can ascertain whether Mrs. M'Geehin, late teacher of Castletown national school, Mountrath, received any salary for the two years previous to her enforced retirement from the service of the Commissioners of National Education, though she fully complied with the directions of the Commissioners; and, if not, whether he can suggest to the Commissioners the propriety of now paying the arrears of salary earned by her.

(*Answered by Mr. Birrell.*) The Commissioners of National Education inform me that Mrs. M'Geehin received her salary and other emoluments in full up to the 30th June, 1904, when she ceased to be recognised as teacher of the Castletown girls' national school. In October 1903, it was found necessary to make an adjustment in respect of an overpayment of salary made to Mrs. M'Geehin prior to 1st July, 1901. This overpayment was due to incorrect returns of pupils' attendances which Mrs. M'Geehin had furnished.

Instruction in Irish.

MR. JOHN MURPHY: To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he can ascertain how many teachers in Circuit 21, Section A, who taught Irish for a fee during the year ended 30th June, 1907, got increments; and what annual reports are necessary in order to secure increments in such cases.

(*Answered by Mr. Birrell.*) The Commissioners of National Education inform me that twenty-three teachers of national schools, other than convent schools, in Circuit 21, Section A, taught Irish for a fee during the year ended 30th June, 1907. One of these teachers has a salary in excess of the maximum of the scale provided for first-grade teachers, sixteen received triennial increments since 1st April, 1905, one case is under consideration for promotion in grade, two are not at present entitled by length of service to any increment, and three have failed to give service of sufficiently satisfactory character to warrant an award. In dealing with the claims of teachers for the triennial awards of increments the Commissioners consider the reports upon the schools which cover the whole, or practically the whole, of the triennial period.

QUESTIONS IN THE HOUSE.

Presbyterian and Methodist Churches at Berehaven.

MR. BARRIE (Londonderry, N.): I beg to ask the Secretary to the Admiralty whether he is aware that there are about 700 men of the Home Fleet, which regularly visits Berehaven, who are members of the Presbyterian and Methodist Churches, and that the authorities of both these Churches have for fully two years pressed the Admiralty to grant a site at Berehaven sufficient for the erection of a hall in which to conduct religious services; and whether, seeing that such services are at present conducted in the open often under much discomfort, he can now grant the site asked for and arrange for giving possession without further delay.

THE CIVIL LORD OF THE ADMIRALTY (Mr. LAMBERT, Devonshire, South Molton): The first application was made about eighteen months ago. The Admiralty have been anxious to meet the wishes of the Churches, and the difficulty in selecting a suitable site has now, I hope, been solved, so that an offer to use the land will shortly be made.

MR. T. M. HEALY (Louth, N.): At whose expense will the site be provided?

MR. LAMBERT: At the expense of the Government.

MR. T. M. HEALY: Will you do the same for the Catholics?

[No Answer was returned.]

Home Fleet—Vessels under Repair.

MR. ASHLEY (Lancashire, Blackpool): I beg to ask the Secretary to the Admiralty what number of destroyers which took part in the recent manœuvres of the Home Fleet are now undergoing or awaiting repairs, or have been under repair, since the manœuvres.

MR. LAMBERT: Of the Home Fleet destroyers which took part in the recent manœuvres, two are undergoing large repairs due to a collision, nine are in hand for minor repairs, and one will shortly have her boilers re-tubed.

Germany and the Cape Government.

SIR CHARLES DILKE (Gloucestershire, Forest of Dean): I beg to ask the Under-Secretary of State for the Colonies whether any information can be given to the House as to the steps taken by the Government of the Colony of the Cape of Good Hope in consequence of the negotiations with the German Government as to the Damaraland and Bechuanaland frontiers.

THE UNDER-SECRETARY OF STATE FOR THE COLONIES (Mr. CHURCHILL, Manchester, N.W.): There are no negotiations in progress with the German Government in regard to the Buchuanaland frontier, but certain questions have arisen as to the interpretation of Article 3 of the Anglo-German Convention of July, 1890, in so far as it relates to the Orange River. His Majesty's Government have made certain proposals for settling these questions, which are now under the consideration of the German Government, and in the interval no action is required on the part of the Cape Government.

SIR CHARLES DILKE asked if any military or semi-military steps had been taken as to the removal of certain tribes. There had, he said, been rumours to that effect

MR. CHURCHILL: I cannot go beyond my Answer.

Mortality among Panama Canal Labourers.

MR. STAVELEY-HILL (Staffordshire, Kingswinford): I beg to ask the Under-Secretary of State for the Colonies whether he will make inquiry into the rate of mortality among the labourers employed on the Panama Isthmian Canal.

MR. CHURCHILL: I understand that my right hon. friend the Secretary of State for Foreign Affairs has called for an official report, but has not yet received it. I may mention, however, that very beneficial results have followed from the strict enforcement of sanitary laws and anti-mosquito regulations in the canal zone, and from the application of the new knowledge of tropical diseases to local conditions. In October, 1884, there were twenty-one deaths and eighty-four cases of yellow fever amongst 2,706 non-immunes, in a total of 19,243 men, employed in the construction of the canal. In October, 1905, among 4,000 non-immunes in a total of 22,000 employees, there was no death and only one case. This is an excellent instance of the inestimable value of the kind of research work which is being conducted by the Liverpool School of Tropical Medicine and other institutions of a similar kind.

MR. MITCHELL-THOMSON (Lanarkshire, N.W.): If the information is not received till after the prorogation will the right hon. Gentleman have it circulated?

MR. CHURCHILL: I will see if that can be done.

Panama Labour Contracts.

MR. STAVELEY-HILL: I beg to ask the Under-Secretary of State for the Colonies whether he will ascertain what steps the local Governments have taken to assure themselves that the labourers engaged in the British West Indies working on the Panama Isthmian Canal thoroughly understand the terms of their engagement before leaving.

MR. CHURCHILL: The respective Governments of the British West Indies are very careful to safeguard—as far as it is possible to do so—emigrants from those Colonies, and I do not think that any useful purpose would be served by making the suggested inquiry unless or until the hon. Gentleman is able to furnish me with some definite evidence that neglect has occurred.

LORD BALCARRES (Lancashire, Chorley): Can the right hon. Gentleman say what steps the Government have taken to ensure that the coolies understand the terms of their contract.

MR. CHURCHILL: We assume naturally that the officers responsible have done their duty, but if there are any facts to justify the suggestion that there has been neglect and that injury has resulted therefrom they will, if brought to the notice of the Secretary of State, be inquired into, but we think a *prima facie* case should first be made out.

SIR GILBERT PARKER (Gravesend) was understood to ask if the regulations provided for inquiry being made of the coolies if they really understand the contracts. Would the regulations be laid on the Table?

MR. CHURCHILL asked for notice.

Australian Tariff.

MR. CHIOZZA MONEY (Paddington, N.): I beg to ask the Under-Secretary of State for the Colonies if he has received a representation from the Birmingham Chamber of Commerce on the subject of the new Australian tariff; and, if so, whether he will inform the House of the nature of that representation.

MR. CHURCHILL: A letter has been received from the Birmingham Chamber of Commerce. representing that hardship and loss will be inflicted on exporters by the immediate coming into operation of the new Australian Customs Tariff, and asking that a telegram might be sent to the Commonwealth Government requesting them to postpone the operation of the tariff for, say, three months. The effect of this letter has been telegraphed to the Commonwealth Government.

SIR HOWARD VINCENT (Sheffield, Central): Will the reply when received be laid?

MR. CHURCHILL asked for notice.

Italian State Railways—Luggage Robberies.

MR. CORY (Cornwall, St. Ives): I beg to ask the Secretary of State for Foreign Affairs whether his attention has been drawn to the systematic robberies that are continually taking place on Italian State railways, from registered luggage belonging to British subjects whilst in charge of State officials; and whether His Majesty's Government will consider the advisability of making representations to the Italian Ambassador in this country with a view to the stoppage of these thefts, perpetrated by or with the connivance of the State officials.

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir EDWARD GREY, Northumberland, Berwick): Complaints of such robberies are constantly brought to the notice of His Majesty's Consuls, and in some cases to that of His Majesty's Embassy, who have frequently made representations to the proper authorities through diplomatic and consular channels.

Egyptian Public Companies and Foreign Capital.

MR. J. M. ROBERTSON (Northumberland, Tyneside): I beg to ask the Secretary of State for Foreign Affairs whether he is yet able to state approximately the amount of native and foreign capital invested in public companies in Egypt, the number of companies trading there without being registered, and the proportion they bear to the number registered.

SIR EDWARD GREY: From information supplied by the Egyptian Ministry of Finance, it would appear that the share and debenture capital of the companies whose business is entirely, or almost entirely, confined to Egypt, is estimated approximately at £90,000,000 sterling, of which the proportion contributed by Egyptian companies is about two-thirds, the remaining one-third representing the capital of foreign companies. These figures afford no indication of the proportion of native and foreign capital invested in these companies, the capital of Egyptian companies being largely held abroad, and *vice versa*. It is estimated, however, that the larger proportion of the total is in foreign hands. The capital is distributed among some 220 companies, about 45 per cent of which are Egyptian and the remainder foreign companies. There are also a certain number of banking and other foreign companies which have established branches in Egypt, but with respect to which it is not possible to ascertain the amount of capital invested in the country. Foreign companies are not registered in Egypt. I should that the above figures do not include the Suez Canal Company.

Egyptian Government and the Legislative Council.

MR. J. M. ROBERTSON: I beg to ask the Secretary of State for Foreign Affairs whether he is yet able to state whether any and what papers have been withheld by the Egyptian Government from the Legislative Council, as asked in Question 4 on 7th May.†

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† See (4) *Debates*, clxxiv., 63.

SIR EDWARD GREY: According to a Report received by His Majesty's Agent and Consul General at Cairo, neither the Egyptian Council of Ministers nor the Secretary of the Legislative Council, to whom inquiries have been addressed on the subject, are aware of any refusal on the part of the Egyptian Government to communicate Reports to the Legislative Assembly, nor are they able to ascertain what are the Reports referred to in the hon. Member's Question of 7th May†.

Egyptian Postmaster-General.

MR. J. M. ROBERTSON: I beg to ask the Secretary of State for Foreign Affairs whether he is yet in a position to state the grounds of the appointment of Borton Bey as Postmaster-General of Egypt.

SIR EDWARD GREY: Borton Bey was appointed Assistant Postmaster-General in December, 1904, and was chosen for that post on account of his great experience as an administrator, having served since the beginning of 1899 in various important and responsible positions. Saba Pasha, the late Postmaster-General, succeeded Halton Pasha, an Englishman. Had Borton Bey now been passed over for the appointment, the next official in seniority would have been an Italian.

Egyptian Salt Adulteration.

MR. J. M. ROBERTSON: I beg to ask the Secretary of State for Foreign Affairs whether his attention has been called to the fact that on analysis the ordinary salt sold in Egypt by the Egyptian Salt and Soda Company, Limited, is found to contain only 91·08 per cent. of salt, with 6·01 of sodium sulphate, 2·33 of sodium carbonate, and ·20 per cent. of sand, while the fine table salt sold by the same company contains only 89·93 per cent. of salt, with 6·96 of sodium sulphate, 2·65 of sodium carbonate, and ·26 per cent. of sand, the fine salt being thus the more impure of the two; and whether he will recommend the Egyptian Government to use what power it has in connection with the partial monopoly of the Egyptian Salt and Soda Company to secure that its products shall be freed from the adulterants or impurities above specified.

SIR EDWARD GREY: This matter must be left to the Egyptian Government. But the information which the hon. Member has sent me will be forwarded to Cairo.

Metropolitan Police Clothing Contracts.

MR. REES (Montgomery Boroughs): I beg to ask the Secretary of State for the Home Department what are the regulations as regards the price, quality, and supply of police clothing; and what contracts for this purpose have been placed in Wales last year.

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. GLADSTONE, Leeds, W.): I have no information with regard to police forces other than the metropolitan police. The conditions of the metropolitan police clothing contract could not well be stated within the limits of a reply to a Question, but I shall be happy to show my hon. friend a copy of the form of contract if he desires it. No contract for metropolitan police clothing was placed in Wales last year.

Glasgow Telephone Operators' Hours of Duty.

MR. CLYNES (Manchester, N.E.): I beg to ask the Secretary of State for the Home Department whether he is aware that girl telephone operators in Glasgow, employed by the National Telephone Company, are kept at night work for twelve hours for seven consecutive nights without any stated time for rest or meals; and whether he can take any action to effect an improved arrangement.

MR. GLADSTONE: I have communicated with the company, who inform me that their night operators in Glasgow have one week night duty and one week day duty alternately. During the week of night duty their employment is as stated in the Question, but it is understood that they have during every night two hours each free from duty, although, owing to the exigencies of the work, the precise time when this rest is to take place cannot be fixed. The company inform me further that for some time past the subject of night operator's work has been under their consideration with a view, if possible, to modifying the existing conditions. The matter is one in which I have no authority whatever to interfere.

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† See (4) *Debates*, clxxiv., 63.

London, Tilbury, and Southend Railway—Workmen's Trains.

MR. WHITEHEAD (Essex, S.E.): I beg to ask the President of the Board of Trade whether his attention has been called to the fact that the London, Tilbury, and Southend Railway Company have not yet fulfilled their undertaking to issue workmen's tickets between Grays and Purfleet by their 5.39 a.m. train; and whether he can state when such workmen's tickets will be issued.

I beg also to ask the President of the Board of Trade whether he has taken any action with a view to inducing the London, Tilbury, and Southend Railway Company to afford to the workmen of Grays and Tilbury similar facilities by means of workmen's tickets and workmen's trains for getting to the docks in London as are afforded to the inhabitants of Barking and places nearer the metropolis and as the company afford to the inhabitants of London for getting to the docks at Tilbury; and, if so, whether there is any prospect that such facilities will soon be granted.

THE PARLIAMENTARY SECRETARY TO THE BOARD OF TRADE (Mr. KEARLEY, Devonport): The Board of Trade have been in communication with the railway company as to the delay in issuing workmen's tickets between Grays and Purfleet, and I understand that this delay has been due to the receipt of the subsequent demand for workmen's tickets from Tilbury and Grays to London referred to in the second Question. If this further demand is not proceeded with the company are prepared to issue the tickets to Purfleet at once, but if it is to be pressed the company would prefer that the whole matter should form the subject of any inquiry that may be ordered.

Australian Tariff—British Protests.

MR. CHIOZZA MONEY: I beg to ask the President of the Board of Trade if his attention has been directed to the protests of British Chambers of Commerce on the subject of the new Australian tariff; and whether he is taking any steps to bring those protests to the attention of the Australian Government.

MR. KEARLEY: I can add nothing on this subject to the reply given by me yesterday to the hon. Member for the Tottenham Division.†

MR. CHIOZZA MONEY: I beg to ask the President of Board of Trade if he is aware that, owing to the heavy frieght and other charges incurred in shipping goods to Australia, the natural protection enjoyed by the Australian manufacturer is usually 50 per cent. to 100 per cent. *ad valorem* upon the export price of the British manufacturer; and whether he will represent that fact to the Australian Government in connection with their imposition of a heavy tariff upon imports from the United Kingdom.

MR. KEARLEY: If and when the question of representations comes to be considered, the point referred to by my hon. friend will not be lost sight of.

New Cross—Accident to Post Office Linesman.

MR. J. WARD (Stoke-on-Trent): I beg to ask the Postmaster-General if his attention has been called to the case of Charles Kelly, a linesman in the engineering department, who lost both legs by accident while in the employment of the Department at New Cross on 4th March, 1904; whether any compensation or other method of settlement of his claim for damages has been made; and if so, what is the nature of such settlement.

THE POSTMASTER-GENERAL (Mr. SYDNEY BUXTON, Tower Hamlets, Poplar): I have obtained from the railway company concerned a sum of £700 as compensation for the injuries received by Kelly. This sum was paid to Kelly on the 7th June last.

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† See p. 148.

National Telephone Company Rates.

Mr. LEIF JONES (Westmorland, Appleby): I beg to ask the Postmaster-General if he is aware that opposition is being aroused in the chambers of commerce and other trading associations throughout the country at the new measured rate introduced by the National Telephone Company; and whether he has taken any steps to ascertain the opinions of these bodies, or any of them, with reference to the introduction of the new rate.

Mr. SYDNEY BUXTON: As I have already explained, my consent was not necessary for the introduction of these rates by the National Telephone Company, and I have, therefore, not invited any expression of opinion from chambers of commerce and other trade associations.

Promotions in the Education Department.

Sir G. KEKEWICH (Exeter): I beg to ask the President of the Board of Education how many second division clerks have ever been promoted to be examiners in the Board of Education, and how many sub-inspectors have, during the last five years, been promoted to be inspectors, seeing that there is no absolute barrier to promotion by merit in those two cases; and what are the dates of such promotions.

The PRESIDENT of the BOARD of EDUCATION (Mr. McKenna, Monmouthshire, N.): Two second division clerks in the Board of Education have been promoted to be examiners on the 8th March, 1904, and the 23rd November, 1901. The former of them was promoted under the late Science and Art Department. Eleven of the persons appointed to inspectorships since 1st August, 1902, have been sub-inspectors. My hon. friend will, therefore, see that there is no barrier to promotion between the two classes.

Sir G. KEKEWICH: Will the right hon. Gentleman give me a list of the dates?

Mr. McKENNA: I assume there will be no difficulty in doing so.

School Accommodation.

Sir G. KEKEWICH: I beg to ask the President of the Board of Education if he can state separately the numbers of provided and non-provided schools for older children which are still recognised as supplying accommodation on the eight-square-feet basis; and whether the provided schools so recognised are exclusively schools which have been transferred under the Act of 1870 and which were originally voluntary schools.

Mr. McKENNA: No, Sir; as I have already stated, I cannot yet make an accurate statement as to the accommodation of the 21,000 public elementary schools on either basis, but I am having the information gradually collected, and I am taking such steps as I can, during that process, to expedite the writing down of the public elementary school accommodation to the ten and nine feet basis.

Mortomley School.

Mr. BOLAND (Kerry, S.): I beg to ask the President of the Board of Education what steps have been taken to see that the decision of the Board of Education in the matter of the Catholic school, at Mortomley, near Sheffield, was carried out by the local education authority, and whether the salaries due to the teachers had yet been handed over to the managers.

Mr. McKENNA: I have had a communication unofficially from the local education authority informing me that the salaries would be paid. I believe the delay has been on account of the holidays, and the closing of the office in consequence thereof.

LORD EDMUND TALBOT (Sussex, Chichester) and MR. BOLAND both gave notice to repeat the Question.

Incorporated Law Society.

SIR HOWARD VINCENT (Sheffield, Central): I beg to ask Mr. Attorney-General if he has any information as to the recent poll of the Incorporated Law Society rejecting all the precautions suggested by a recent committee of inquiry appointed by the council for the better protection of trust funds and the prevention of the cases of misappropriation and malversation, of which so many startling examples have occurred.

THE ATTORNEY-GENERAL (Sir JOHN WALTON, Leeds, S.): I am informed that certain resolutions were carried by the Incorporated Law Society, having for their object the preservation of trust funds in the hands of their members. They were in the following terms:—

"1. That it is the duty of every solicitor to keep full and accurate accounts, which should be periodically balanced.

"2. That moneys received by a solicitor on behalf of his client should be kept separate from his own moneys, and that a convenient way of effecting this is by opening a clients' money account at a bank into which all moneys received by a solicitor to any part of which a client is, or under any circumstances may be, entitled should in the first instance be paid.

"3. That moneys of clients in the hands of, or under the control of a solicitor, should only be used on account and with the authority of a client to whom they respectively belong.

"4. That any increment in the nature of interest, income, or other profit accruing on clients' moneys should be credited to the clients whose moneys have produced such interest, income, or profit, and that any solicitor who, without the authority of his client, should retain for his own use any such interest, income or other profit is guilty of professional impropriety.

"5. That except under special and unavoidable circumstances it is no part of a solicitor's business to hold money belonging to a client for any lengthened period, and that it is contrary to right practice to do so.

"6. That in cases where a solicitor finds himself in possession of money of a substantial amount not his own, of which he cannot immediately, or within a short time discharge himself, it is his duty, if he does not keep a separate clients' account at a bank, and it is desirable even if he does keep such a separate account, to pay that money in to a deposit account separate, not only from his own money, but from all other money, and to earmark it, by endorsement on the deposit receipt or otherwise, as belonging to the particular client or matter."

I think the hon. Member will recognise that these introduce novel and valuable precautions which will be observed by the members of the Society. The resolutions that were not carried were—

"7. That every solicitor should either (*a*) have his accounts audited at least once a year by a chartered or incorporated accountant, or (*b*) Keep a separate bank account for all moneys received by him on behalf of his clients.

"8. That in the case of every solicitor whose accounts are audited by a chartered or incorporated accountant he should be required annually, on applying for his practising certificate, to forward to the Society a certificate from such accountant stating that the accounts had been properly kept and duly audited.

"9. That in the case of every solicitor whose accounts are not so audited he should be required annually, on applying for his practising certificate, to forward to the Society a Statutory Declaration as follows: (*a*) That he had kept a separate bank account for all moneys received by him on behalf of his clients, and that all such moneys had been paid into that account and had been used only for or on account of the clients to whom they respectively belong; (*b*) That all increment in the nature of interest, income, or other profit accruing on such moneys had been credited to the clients whose moneys respectively had produced such interest, income, or profit; and (*c*) That on the date of the declaration all such moneys had been duly dealt with or were in hand and available."

Further asked if the resolutions carried were not merely expressions of pious opinions while the only really operative resolutions were rejected,

SIR JOHN WALTON replied that there was a good deal to be said in favour of those that were rejected but, it was held to be somewhat hard that solicitors should be called upon to make statutory declaration.

The Public Trustee.

SIR HOWARD VINCENT: I beg to ask Mr. Attorney General if he can inform the House where in London the office of the Public Trustee will be located; when the proposed table of fees for his services as trustee of a settlement, as custodian of shares to bearer and certificates of negotiable securities, or as executor of a will, will be issued; and how soon settlors and testators will be able to avail themselves of his services as a trustee or executor, who will never die, never leave the country, and never become incapacitated, and whose honesty and integrity will be guaranteed by the Consolidated Fund of the United Kingdom.

SIR JOHN WALTON: The office of the Public Trustee will, in the first instance, be opened in Clement's Inn, immediately adjoining the Strand, Lincoln's Inn, and the Royal Courts of Justice. The table of fees will be published this week; and the Public Trustee's services become available under the Act on 1st January next.

SIR GILBERT PARKER (Gravesend): Will the rules also be published?

SIR JOHN WALTON: Yes, as a Parliamentary Paper.

Streatham Hospital Bequest.

SIR HENRY KIMBER (Wandsworth): I beg to ask the hon. Member for the Elland Division, as representing the Charity Commissioners, whether, with reference to the estate of the late Benjamin Weir, deceased, estimated at about £100,000, with an accumulated income of about £10,000, which was bequeathed by him for the purposes of a hospital for the benefit of the inhabitants of the parish of Streatham, the Charity Commissioners are preparing or contemplating a scheme for the application of the estate to purposes outside the parish of Streatham, although that parish, which has an acreage more than four times as large as the City of London, and with a population of 101,628, and sixty miles of roads, yet has no hospital; whether a local public inquiry will be held, or any other opportunity given to the inhabitants to express their opinions on the subject, before any such scheme is carried into effect; and is he aware that a letter was received by the Charity Commissioners from the Streatham Ratepayers' Association dated 23rd May, 1907, of which receipt was acknowledged on the 25th idem, promising attention, but to which no further reply has been given.

MR. TREVELYAN (Yorkshire, W.R., Elland): The residuary estate estimated as stated by the hon. Member was left by the late Benjamin Weir by will for the maintenance of a hospital to be carried on, at a house belonging to the testator at Streatham, for the benefit of the inhabitants of the parish of Streatham and the neighbourhood. The house having been found to be unsuitable for the purpose, and the authorities of King Edward's Hospital Fund having informed the trustees of the Weir Charity that the sum at their disposal was quite insufficient to found a hospital, and having advised union with the Bolingbroke Hospital at Wandsworth Common, the Trustees have submitted proposals to the Charity Commissioners for dealing with the Weir endowment. These proposals are for the application of the greater part of the endowment for the enlargement and maintenance of the Bolingbroke Hospital (at which beds are to be available for Streatham cases) after providing for the carrying on of the existing Weir Dispensary at Streatham and for the establishment and maintenance of a home at Streatham for nurses for the benefit of the neighbourhood and for setting apart a fund for the payment of fees for nursing and other treatment of Streatham patients. The Commissioners have expressed their willingness to publish a scheme in substantial accordance with the proposals of the Trustees. In the letter of 23rd May, 1907, from the Streatham Ratepayers' Association it was stated that a similar letter was being sent to the Trustees of the Weir Charity. The Chairman of the Association was informed at an interview at the office of the Commissioners on the 31st July last that the Commissioners favoured the proposal for amalgamation with the Bolingbroke Hospital. In a letter of the 15th August the views of the Association and of the Streatham Chamber of Commerce have been stated to the Commissioners, and when a scheme has been framed for publication full opportunity will be given to all persons to express their opinion on the subject. In these circumstances there does not seem to be any occasion for a local public inquiry.

Customs Assistant Statistical Clerks.

SIR HENRY KIMBER: I beg to ask the Secretary to the Treasury whether assistant clerks in the Statistical Office of the Customs are compelled to remain on overtime duty till 8 p.m. for about six months every year; if so, will he endeavour to arrange for the reduction of this amount of overtime; what is the remuneration for such overtime; and would the overtime work afford an opportunity for the employment of some of the unemployed.

THE FINANCIAL SECRETARY TO THE TREASURY (Mr. RUNCIMAN, Dewsbury): I am informed that the number of working days on which extra attendance by assistant clerks in the Statistical Office was required compulsorily during 1906, to secure the early publication of the monthly trade returns, was sixty-one, but that every effort is made to reduce the amount of such attendance. The overtime remuneration of assistant clerks is as follows:—

	Per hour. *s.*	 *d.*
With salaries under £85 a year		9
" " of £85 and under £100 - -		10
" " from £100 to £150 - -	1	2

The necessity for compulsory overtime arises only for a few days at the beginning and end of each month, and it is impracticable to meet it by the employment of additional labour.

Civil Service—Boy Clerks.

SIR G. KEKEWICH (Exeter): I beg to ask the Secretary to the Treasury whether any benefits which may result from the recent memorial of boy clerks in the Civil Service will be applicable to boys discharged since September last.

I beg also to ask the Secretary to the Treasury whether temporary provision can be made for the employment of Civil Service boy clerks, aged twenty, pending a decision being arrived at by the Treasury on the memorial now before them.

I beg further to ask the Secretary to the Treasury whether he will undertake that in future no appointments of boy clerks will be made in excess of the number which can be absorbed into the permanent establishment of the Civil Service.

MR. RUNCIMAN: If my hon. friend will allow me I will take the three Questions which he has put down on this subject together. It would not be practicable to give retrospective effect to any new measures which may be adopted in connection with the employment of boy clerks, nor would it be possible in any event to find employment for boys who had already left the service. Though I can give no undertaking of the kind which my hon. friend suggests, I may say that the administrative changes which I contemplate will probably have the effect of reducing to the extreme limit possible the number of boys discharged on grounds other than that of unfitness for permanent employment, and of securing that unavoidable discharges are effected at an earlier age than at present.

Old Writers' Wages.

SIR G. KEKEWICH: I beg to ask the Secretary to the Treasury whether the old writers received a half-yearly bonus in addition to their wages; whether, in cases where such writers have been discharged in the course of a half-year, the portion of the bonus which has accrued has been withheld from them; and, if so, what is the reason that it has been withheld.

MR. RUNCIMAN: No bonus accrued under the regulations regarding copyists except at half-yearly intervals. No part of any bonus which had accrued has been withheld, so far as I am aware. On the contrary, some copyists were allowed on the recommendation of Departments to be retained for short periods specifically in order to enable them to complete the six months qualifying them for an additional half-yearly bonus.

Agricultural Returns.

MR. BOWERMAN (Deptford): I beg to ask the hon. Member for South Somerset, as representing the President of the Board of Agriculture, the reason why the Agricultural Statistics and Report on the Agricultural Returns for the year 1906 have not yet been printed and presented to the House; and when they may be expected.

THE TREASURER OF THE HOUSEHOLD (Sir EDWARD STRACHEY, Somersetshire, S.): The Agricultural Statistics for 1906 are being issued in four parts. The first three parts have already been published and the fourth part, dealing with Foreign and Colonial Agriculture, will shortly be issued. Each part contains a Report on the Returns comprised therein.

Cattle Statistics.

MR. BOWERMAN: I beg to ask the hon. Member for South Somerset, as representing the President of the Board of Agriculture, if he will state the total number of cattle returned in 1906 as entering the markets at the places in England scheduled under the Markets and Fairs Act, 1891, and the total number of fat and store cattle imported into Great Britain from Ireland in 1906; whether, since the year 1902, there has been a serious annual decline in the numbers returned in both cases; and to what cause is the decline attributed by the Board of Agriculture.

SIR EDWARD STRACHEY: The number of cattle returned as entering the scheduled markets in 1902 was 1,010,115. The corresponding figure in 1906 was 857,598. The total number of cattle imported from Ireland was in 1902, 959,241, and in 1906, 775,374. The high figures of 1902 were in each case due to exceptional causes to which reference will be found in the Reports on the Agricultural Returns for 1902 and 1903, the principal one being a shortage in supplies from the United States. I may add that the imports of cattle from Ireland were somewhat larger in 1906 than in either 1904 or 1905.

Irish Customs Statistics.

MR. J. MACVEAGH (Down, S.): I beg to ask the Secretary to the Treasury whether he is aware that the Return of Imports and Exports, recently issued by the Department of Agriculture and Technical Instruction for Ireland contains the statement that the information given is neither complete nor exact, and applies to the year 1905; whether such tables are prepared for the United Kingdom by the Customs Department and issued monthly; and whether, seeing that the whole value of such figures depends on their accuracy and the promptness with which they are issued, he can undertake that in future correct tables of imports and exports shall be issued for Ireland by the Customs Department.

THE VICE-PRESIDENT OF THE DEPARTMENT OF AGRICULTURE FOR IRELAND (Mr. T. W. RUSSELL, Tyrone, S.): The Answer to the first part of the Question is in the affirmative. As to the second part of the Question, tables of the foreign trade of the United Kingdom are prepared by the Customs and issued monthly. The trade between Great Britain and Ireland is regarded as coasting trade, and the Customs do not prepare statistics of the quantities and values of goods carried coastwise. As to the final part of the Question, the Department will undertake that a full and complete statement of Irish imports and exports will be promptly and regularly issued, provided they are given the necessary powers to obtain adequate Returns. Legislation with this object in view is being considered.

MR. BARRIE (Londonderry, N.): Does the hon. Gentleman consider that a delay of eighteen months is reasonable?

MR. T. W. RUSSELL: No, and I think the Returns should be made monthly.

MR. J. MACVEAGH: Will the hon. Gentleman undertake to introduce legislation next session to expedite the Returns?

MR. T. W. RUSSELL: I can give no undertaking, but I will do my best to get the necessary legislation to secure that the Returns are adequate and prompt.

Outrage at Lord Ashtown's Residence.

MR. J. MACVEAGH: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether it is intended to hold an inquiry into the alleged outrage at Lord Ashtown's residence, having regard to the fact that the inquiry into the alleged outrage at Drumbo resulted in proof that the outrage was the work of the residents in the house.

THE CHIEF SECRETARY FOR IRELAND (Mr. BIRRELL, Bristol, N.): An investigation of the most careful and searching character is being made, and until this has been completed it would be premature to consider the question of holding a formal inquiry under the Explosive Substances Act, 1883, or otherwise.

MR. POWER (Waterford, E.): May I ask is it not a fact that on the night when this explosive was said to have been laid there the dogs about the place gave no alarm, and also whether, although the ground about the spot was full of moisture and very soft, there were no footmarks around the place?

MR. BIRRELL: All considerations of that sort are forming the subject of the most careful and searching inquiry that is now being made.

MR. JOHN REDMOND (Waterford): In view of the admittedly suspicious circumstances surrounding this case, will the right hon. Gentleman order a special sworn inquiry, such as was held in the case mentioned in this Question, which, as the right hon. Gentleman is aware, resulted in showing that the alleged outrage was committed by persons in the house?

MR. BIRRELL: I think everyone will agree that until the preliminary inquiry, which is being carried out in the most searching manner, is concluded it would be premature.

MR. SWIFT MACNEILL (Donegal, S.): Is it a fact that Lord Ashtown, since the outrage has been in London, and has been in communication with the authorities, and if so may we have any *ex parte* statement that he made to them for our own investigations?

MR. J. MACVEAGH: And has the Chief Secretary seen the statement in the *Pall Mall Gazette* welcoming this as a timely outrage, which would justify the House of Lords in their treatment of the Evicted Tenants Bill. And is he aware that the Pigott letters were also produced on the occasion of important legislation for Ireland?

MR. BIRRELL: Pending the inquiry, it would be most irrational for me, whose opportunities for information are not at all complete, to express any opinion. The most searching investigation is being made, and after that the Government will consider the necessity or desirability of holding a special inquiry either under the Explosive Substances Act or otherwise.

MR. SWIFT MACNEILL: Is it a fact that Lord Ashtown has been in London, making an *ex parte* statement to the authorities, and, if so, may we see that statement for our own investigation?

MR. BIRRELL: I do not know where he is. I do not know that he has made a statement *ex parte* or otherwise to the authorities. I do not think he has.

MR. BARRIE: May I ask the Chief Secretary whether there is any ground for the allegation contained in the concluding part of the Question?

MR. BIRRELL: I must decline to give any opinion. I know nothing about it. I cannot say.

*MR. PATRICK O'BRIEN (Kilkenny): Does the right hon. Gentleman know that Lord Ashtown makes a business of circulating information that he can pick out of the papers all through Great Britain with the view of defaming the people of Ireland, and that he has an agency through which he supplies hon. Unionist Members from Ulster with the material for Questions, which are slanders on Ireland?

*MR. SPEAKER: Order, order!

MR. PATRICK O'BRIEN: Will the right hon. Gentleman be careful in investigating this matter to try and find out if it is not possible, as is believed in the district, that Lord Ashtown himself did this in order to give a fillip to his infamous business of defaming Ireland.

[No Answer was returned.]

CAPTAIN DONELAN (Cork, E.) asked whether the evidence at the inquiry would be available for hon. Members.

MR. BIRRELL said the hon. Gentleman must wait.

MR. SWIFT MACNEILL: Will you give us the opportunity of cross-examining Lord Ashtown?

[No Answer was returned.]

Wage Revisions in Government Departments.

SIR GILBERT PARKER: I beg to ask the Postmaster-General whether, in view of the temporary character of Select Committees of inquiry as to wages and conditions of service of employees in the public service, and their failure to give satisfaction to those workers concerned or to establish any definite and orderly system of revision of wages from time to time, the Government will take into consideration the establishment of a permanent Commission or Board whose duty it would be to regulate wages in all Departments of State, in keeping with changing conditions, cost of living, the general standard of wages in private employment, and the particular nature of the employment.

THE PRIME MINISTER AND FIRST LORD OF THE TREASURY (Sir H. CAMPBELL-BANNERMAN, Stirling Burghs): My right hon. friend has asked me to answer this Question, as it deals with a matter affecting other Departments. I can only refer the hon. Member to the Answer which I gave on 31st July to a similar Question put to me by the hon. Member for Shoreditch.† I have nothing further to add to that at present.

The Master of the Horse.

MR. VIVIAN (Birkenhead): I beg to ask the Prime Minister whether the salary of £2,500 a year paid to the Master of the Horse is for services rendered, and, if so, what those services are; and, if the services are not of an important nature, will he give favourable consideration to the proposal to abolish this office, so that by the economy effected the salaries of more useful officials of the State, about to be appointed, may be provided without additional burdens to the taxpayer.

SIR H. CAMPBELL-BANNERMAN: A salary of £2,000 was attached to this post on the recommendation of the Select Committee which at the commencement of the present reign drew up the proposals for the Civil List which Parliament has approved. The Civil List settlement is in the nature of a statutory arrangement, and the total amount cannot be varied; and therefore no such result as my hon. friend desires can be effected by any adjustment of detail.

MR. MARKHAM (Nottinghamshire, Mansfield) asked whether the right hon. Gentleman intended to introduce legislation in the interests of economy to reduce this sum of £2,000 for a sinecure office.

SIR H. CAMPBELL-BANNERMAN said that there would be no economy effected. This was an arrangement entered into by Parliament, and it was binding on it.

MR. J. WARD (Stoke on-Trent): What are the qualifications for this post, and is it still vacant?

SIR H. CAMPBELL-BANNERMAN: I do not think that concerns either my hon. friend or me, or anyone else in this House. ["Why?"] It rests with the King to apportion this money according as he finds it desirable and necessary.

MR. BELLOC (Salford, S.): Are we to understand that in the event of being abolished the post the £2,000 would go to His Majesty personally?

SIR H. CAMPBELL-BANNERMAN said that probably His Majesty would find some other means of disposing of it within the limits of the Civil List. That was an end of it as far as Parliament was concerned.

MR LEA (St. Pancras, E.): What are the duties of this official?

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† See (4) *Debates*, clxxix., 974.

SIR H. CAMPBELL-BANNERMAN: I have already said we have nothing to do with that. The duties are assigned to the office by His Majesty, and I know enough of them to be aware that the office is no sinecure.

Redistribution of Seats.

SIR HENRY KIMBER: I beg to ask the Prime Minister whether he can see his way to introduce in the ensuing session any measure for the redistribution of seats in Parliament and rectifying the constantly increasing disparities in the representation of the people, seeing that under existing conditions one half of the Members of the House of Commons are returned by 5,137,117 electors and the other half by 2,309,519 electors, and that one half of the electors of the United Kingdom return 445 Members and the other half return 225 Members.

SIR H. CAMPBELL BANNERMAN: No Sir, I cannot make any more promises for next session—nor can I accept responsibility for the hon. Member's figures.

MR. SWIFT MACNEILL: Did not a Plural Voting Bill pass this House, and was it not sent to the Chamber of Hereditary Revisers, and we heard no more about i ?

[No Answer was returned.]

Fair Wages Resolution.

MR. CLYNES: I beg to ask the Prime Minister, in view of some firms which have contracts with the Government declining to treat with the accredited representatives of workmen and making non-membership of trade unions a condition of employment, whether the Committee appointed to consider the working of the Fair Wages Resolution of the House will be asked to deal also with the need for amending the terms of the Resolution; and whether the necessity of representation on the Committee of workmen's organisations has been considered.

SIR H. CAMPBELL-BANNERMAN: The Committee has been instructed to report whether any changes are desirable in the administration of the Fair Wages Resolution in order to enable its objects to be more effectually attained. It is not intended to amend the terms of the Resolution or enlarge its scope. In these circumstances it did not appear necessary to invite representatives of workmen's organisations to be members of the Committee. They will, of course, have every opportunity of placing their views before the Committee.

MR. CLYNES asked whether, seeing that the Committee would have to deal with the complaints of workmen, it was not better it should have on it accredited representatives of workmen's organisations.

SIR H. CAMPBELL-BANNERMAN replied that it was a purely inter-departmental Committee, and there was no place on it for outsiders of any kind.

BUSINESS OF THE HOUSE.

MR. A. J. BALFOUR (City of London) asked as to the business for the next two or three days.

SIR H. CAMPBELL-BANNERMAN said that the Government proposed to take the first four orders on the Paper that day and To-morrow the Factory and Workshops Bill and the Miners Bill.

MR. LEA asked what day would be given for the discussion of the Public Accounts Committee.

MR. A. J. BALFOUR asked when the Cabs Bill would be taken.

SIR H. CAMPBELL-BANNERMAN said that there had been a little see-saw between the Cabs Bill and the Factories and Workshops Bill, but at present the latter was in the more commanding position. As to the Public Accounts Committee, an opportunity for discussion would be afforded on Friday, but it did not follow that the opportunity would be a whole day.

MR. SWIFT MACNEILL: Has the right hon. Gentleman any information to give the House as to the letter addressed by the Senior Member for the City of London to the Chancellor of the Norwood Conservative Club approving Free Trade?

SIR H. CAMPBELL-BANNERMAN: I have not inquired into that matter.

THE LATE SITTINGS.

MR. MARKHAM asked the Prime Minister whether he could take some steps in the arrangement of public business to prevent the House from having to sit to the early hours of the morning day after day. Hon. Members were becoming quite worn out. He had attended the House regularly; and he hoped the right hon. Gentleman would bear in mind the great stress on Members who did not want to sit up continually to forsaken hours when they could not possibly attend properly to business.

SIR H. CAMPBELL-BANNERMAN: The general desire is not to sit longer into the remainder of the year than we can possibly avoid; and, therefore, it is necessary to sit late at night. But I think that some nights we sit unnecessarily long owing to the unnecessary amount of repeated discussion. I think I can see as far through a millstone as most people; but I have not been able to discover what motive or advantage their can be in these prolonged discussions, and I am afraid that they are the real cause.

MR. FORSTER (Kent, Sevenoaks): May I point out to the right hon. Gentleman that he is never here to see what goes on?

SIR H. CAMPBELL-BANNERMAN: I thank the hon. Member for his courteous and kindly reference to myself. But, unfortunately, when he comes to my time of life, and has my amount of work to do, he will discover that there is such a power as the family doctor; and he is my master at present.

MR. A. J. BALFOUR: I, like the right hon. Gentleman, though perhaps with less excuse with regard to the family doctor, have not suffered from these late sittings; and I do not put this question in an invidious spirit. But does the right hon. Gentleman think it judicious to attack hon. Gentlemen on this side of the House for unnecessary debate unless he has been himself present?

SIR H. CAMPBELL-BANNERMAN: One can only proceed by way of sample. In this case, I took a sample by staying up last night until half past one; and what I saw between 11 o'clock and that hour was quite enough to explain everything to me.

MR. PIKE PEASE (Darlington) asked the right hon. Gentleman whether he was aware that the House was asked to deal with the Appropriation Bill, the Criminal Appeal Bill, the Limited Partnerships Bill, and the Companies Bill; and whether, as far as could be judged from private information, there was a single Member of the Liberal Party who thought it possible to get through all that business last night.

SIR H. CAMPBELL-BANNERMAN: I understand that it was not only possible but agreed.

MR. PIKE PEASE pointed out that the Companies Bill was not taken in the end.

SIR H. CAMPBELL-BANNERMAN: Because other matters took so long.

SIR A. ACLAND-HOOD (Somersetshire, Wellington) said that there was no agreement about business. Did the right hon. Gentleman think that an important Bill like the Companies Bill ought to be taken at half-past five in the morning, when the great majority of Ministers were away, and when the learned Attorney-General, who had spoken already on the Transvaal Loan Bill, the Appropriation Bill, the Criminal Appeal Bill, and the Limited Partnerships Bill, could not be in a state to advise the House?

THE PARLIAMENTARY SECRETARY TO THE TREASURY (Mr. GEORGE WHITELEY, Yorkshire, W.R., Pudsey) said that the Companies Bill ought to have come on at half-past twelve. Other Bills were placed before it, but they were practically non-controversial. The Appropriation Bill had never been debated at such length on the Third Reading. Therefore the Government were not asking the House to do an unnecessary amount of business. The Government had a large number Bills to which they attached importance, and if these Bills were to be passed, they must ask the House to sit late.

Sir A. ACLAND-HOOD: If these Bills were so important how was it that the Government could not keep more than seventy-five of their men here?

Mr. MARKHAM said that hon. Members interested in the Companies Bill had not acquiesced in any arrangement that two hours would be sufficient for its discussion.

*Mr. J. A. PEASE (Essex, Saffron Walden) said the business was posted in the inner lobby at five o'clock in the evening, after conversation with one of the right hon. Member's colleagues. It was admitted that several of the orders named would be regarded as uncontroversial, although nothing definite was arranged about the time that might be taken over the Companies Bill.

Mr. FORSTER: Arranged with whom?

Mr. J. A. PEASE: With the hon. Member for Sevenoaks.

Mr. FORSTER: May I say I was shown a list of the Bills, and I asked how long it was proposed to sit, and the Government Whip, with a smile on his face, said he had no control over that. I suggested to him that in the interests of the amicable arrangement of the Business of the House, he would do well to modify the list.

LAND VALUES (SCOTLAND) BILL.

As amended (by the Standing Committee), considered.

*Mr. HAROLD COX (Preston) moved a clause the object of which was, he said, to give local authorities in Scotland the opportunity of deciding whether or not they would adopt this very expensive Bill. The measure required that every local authority in Scotland should institute a new method of valuing land. It would impose considerable expense on the local authorities, and they ought to have the option of saying whether they would incur that expense or not. They were the best judges if they would get an adequate return for their outlay. In New Zealand, which had always been quoted as a model for this legislation, such option had been given the local authorities. He knew he might be told that in New Zealand there was also a national tax on land values, but perhaps hon. Gentlemen were not aware that in New Zealand the national tax on land values was a substitute for the income tax. Was that what the advocates of land values taxation desired, that people who paid the land values tax should not pay the income-tax? There was, however, a further reason for giving the local authorities option in this matter. This Bill had never been before the country at all. It was introduced very late in the session and passed through the House on the Second Reading stage after one day's debate, going from thence up to the Grand Committee. He thought he might fairly ask the House to take warning by what happened last year in regard to a similar measure. On the Second Reading debate of last year's Bill he had the honour of moving the rejection of the Bill. His Motion was defeated by a majority of 258; but what happened? The Bill was referred to a carefully packed Select Committee, practically all the members of which were in favour of the measure. After having deliberated upon it, however, and examined witnesses, that Committee reported "that the Bill be not proceeded with." Such an instance as that afforded good proof of how easy it was for the House to vote for a Bill without knowing the meaning of it. A new situation had been created by the statement of the Government that they would not tax feu-duties. When the local authorities demanded this Bill their whole object was to secure the taxation of feu-duties. He quite admitted that there was some doubt as to whether the Government would remain firm in their resolve, and because of this uncertainty he put a question to the Prime Minister. He regretted that the right hon. Gentleman did not give him a very clear answer. With reference to this question he had received a leter from the Parliamentary agent to the Manchester Unity of Oddfellows, dated 15th August. It began—

> "Dear Sir,—I must thank you for your Question, No. 62, in the notices given last Monday with respect to the taxation of land values. Though the Hearts of Oak Society

put the subject forward this year the Manchester Unity of Oddfellows with its 800,000 adult members and £12,000,000 capital amongst its 4,000 branches is largely interested. Many of its lodges have invested in ground rents at prices which will produce less than 4 per cent. Their object was absolute security of income from which claims, as they mature in the old age of the members, could be properly met. As the leases are long no unearned increment will accrue to present members. . . ."

In other words the object of this great Friendly Society was to provide for old age pensions out of the land values they had purchased with their savings. The letter continued—

> "I therefore await with much interest the Parliamentary news in to-morrow's newspapers to ascertain the view the Prime Minister takes."

He was sorry to say that the view the Prime Minister took was not very clearly expressed, but he still had confidence that the Government was resolved not to tax feu duties or to go back on existing contracts. He remembered warning the Liberal Party years ago against the danger of rushing into this morass. He told them they would find themselves in the position of having to break existing contracts, or else finding that there was no money in the scheme. The burghs wanted money, they did not want a Bill which would give them no money, but would instead involve a great deal of extra expense. Greenock, which had originally supported the Bill, had now petitioned against it. A new situation had also been created by the reply of the Lord Advocate to a deputation of county councils which waited upon him a little time back in reference to this question. The right hon. Gentleman said—

> "When the statute passes it will be found that county proprietors, equally with town proprietors, will be escaping taxation for improvements which they have made upon their land, and that any assessment which may be laid upon the land value is already paid on the composite value."

Instead of getting a new revenue they were going to wipe out the old one. Where then were the local authorities to get the money to carry on their work? They could only get it from poor people who were compelled to live in the centres of the towns. They would have to pay at the rate of 30s. to £2 in the £1 upon the value of the land upon which they were living. Shopkeepers would be rated on a similar similar scale upon the sites of their business premises. When this was made clear to the people of Scotland their answer as to whether they wished for the Bill or not would be very definite indeed. The Bill would benefit the rich man living in the suburbs in his large house; he would be relieved of all rates except upon the site of his house and garden, which would be put at a low value. It was the poor people and the business men in the towns who would have to bear the burden. Nor was that all. The professed object of taxing agricultural land upon its supposed value for building purposes was to force it into the market. But the whole case for especially taxing agricultural land which had an urban value, but was only rated at its agricultural value, had been given away by the Government in Clause 33 of the Small Holdings Bill—that perfect and delicate piece of mechanism, which according to the Prime Minister must not be touched. The agricultural land referred to in that clause already had an urban value though it was not fully developed. Who was to pay the special tax? Not the county council, because they had no beneficial interest in it; not, certainly, the holder who was growing cabbages on the land, and not the landlord who had not yet resumed possession of it. There was, in fact, nobody who could pay the tax. In other words the Small Holdings Bill rendered it impossible to carry out the purpose of the Land Values Bill. The object of the present Bill was to get to know whether they were going to get any money when they put this tax on. That information could be got just as well without imposing this burden upon the whole of Scotland. The Latin proverb said, "Make your experiments upon something cheap." He did not think that Scotland was cheap enough for such an experiment to be tried on her. He suggested that the experiment should be tried in the constituencies of the Lord Advocate and the Secretary for Scotland—one urban and one rural. At any rate let the burghs and counties be consulted. That would afford a *locus penitentiæ* to those who had been agitating for a tax on land values. Let them get at the facts and this agitation would be killed. There were four Members for the City of Edinburgh—three of whom were in favour of the Bill, and the fourth on the other side. The majority of three to one said that they believed the people of Edinburgh were in favour of the Bill. Let them give the people of Edinburgh a chance of saying so. They preached the doctrine of "trust the people"; let them practise it. He begged to move.

*MR. YOUNGER (Ayr Burghs) seconded the Motion of the hon. Member for Preston, who, he said, had expounded the questions raised by this Bill in a manner which he would not do, owing to their great difficulty and complexity. But he would remind the House that the Bill was made applicable to both urban and rural areas. In the Select Committee the question was never raised of including the counties, and no evidence was led in support of it. He was bound to say that the quotation by the hon. Member for Preston, of Clause 33 of the English Small Holdings Bill, was most damaging. It had not occurred to anyone on the Committee on this Bill upstairs. It had put the Government in an extremely difficult position, although he had no doubt his right hon. and learned friend would wriggle out of it as he usually did. An Amendment having the same object in view, but put in a different form, as the proposed new clause of the hon. Member for Preston, was proposed in Committee upstairs; but during the course of the discussions they were told by the Lord Advocate that there was a national purpose underlying this Bill, which would be entirely defeated were local option adopted. Before the House divided on this new clause they should know what that national object was. He had no doubt that in the view of the Solicitor-General it involved the taxation of existing feu duties, although they had been assured by the Prime Minister and the Lord Advocate that it did not. At any rate, it seemed that the view of the Solicitor-General was not to be accepted. If that were so, they were entitled to know what the national purpose was. He thought that this particular Bill was not thoroughly understood by the people of Scotland; it was not even understood by those who pressed for such legislation in connection with the Glasgow Bill of last year. He was quite certain that if local option were granted, it would be utilised in the way of rejecting the Bill altogether. He knew how the incidence of taxation would be changed if this system of rating were adopted in many of the small burghs in Scotland. He was quite certain that the rich manufacturer would ride off with a light weight of taxation, and the poor cottager would have to pay almost all the taxes. [MINISTERIAL cries of dissent.] He insisted that it could not be denied that that would be the effect of the Bill. Take the town of Ayr, which he represented. Suppose there a house which had cost £30,000 or £40,000 to erect, standing in its own grounds two acres in extent. And next to it, suppose a market garden, also two acres in extent. Would it be believed that the market gardener who had difficulty in making a living would have to pay the same taxation as the rich man? That would be an atrocious cruelty. He thought the people should be asked whether they were willing to adopt a measure for the taxation of land values, before it was put in force in their localities.

New clause—

"Within three months after the passing of this Act the clerk of every council of a county or burgh shall convene, with not less than one month's notice, a special meeting of the council to consider the desirability of adopt-this Act in that county or burgh, and if the decision of that meeting is against such adoption this Act shall have no force within that county or burgh."—(*Mr. Harold Cox.*)

Brought up, and read a first time.

Motion made, and Question proposed, "That the clause be read a second time."

*THE LORD ADVOCATE (Mr. THOMAS SHAW, Hawick Burghs) said he regretted that he could not, on behalf of the Government, accept the new clause. The bulk of the argument delivered by the hon. Gentlemen who had moved and seconded the Amendment had been not in connection with a valuation Bill pure and simple, but with reference to the incidence of taxation and rating. What had the taxation of feu duties to do with a Bill for the ascertainment of land values in Scotland and for that alone? What did the observation of the hon. Member for Preston mean as to there being no money in it, or about people who would have to pay 30s. or 40s. a year on their land values? What did the observation mean as to who was to benefit by the Bill? And what did the observation mean as to the relations between the county council and the small landholder? What had all that to do with the Bill?

MR. HAROLD COX said that his argument was a perfectly simple one, viz., that these local authorities should not be put to the expense of getting information when there was no money to be got out of it.

MR. THOMAS SHAW said he understood that the concluding portion of his hon. friend's speech was to the effect, "By all means get at the facts." This was a Bill the object of which was to get at the facts. The hon. Member had said that they could get at the facts by taking two constituencies, one an urban and the other a rural constituency, and working out from them all that was required in regard to land values of Scotland. The hon. Member did him the honour to refer to his constituency, the Hawick Burghs. Assuming that in his constituency there was very little unoccupied land the capital valuation of the land would make very little difference indeed from the present valuation. But what they wanted to know was the capital value of the land in a large portion of Scotland where there were burghs with a large agricultural area some portions of which were being held up for building. What was the use of attempting to deduce from a single instance the whole value of Scotland for the purpose of a Bill to obtain national statistics? A single instance would not do. They must have the whole of Scotland valued in order to enable a second stage to be reached, whether there was to be taxation or whether there was to be rating. His hon. friend seemed to argue that this which was only a valuation Bill was a rating Bill which rashly provided for something which could be done without any inquiry at all. Surely his hon. friend's study of the literature of this subject must have convinced him that all the best authorities were agreed that any rating or taxation Bill must be preceded by necessary preliminary inquiries in the shape of the ascertainment of the land values, so as to enable the country as a whole, and if thought wise, localities individually, to judge whether the basis of individual rating or taxation ought to be altered. Of course that would be by a new Bill; but this Bill was confined to ascertaining land values. There was a provision in the Bill that until Parliament should otherwise determine no rate or tax should be put on in consequence of the information obtained under this Bill. He could imagine that nobody would refuse a Bill which made it optional to adopt it. When his hon. friend said that it all hung round the ultimate question of rating he would remind him that on questions of rating a great many points of admitted complexity would have to be considered. They must first get at the facts as a whole, on a national scale, upon exactly the same scale as the existing valuation. On those grounds, and feeling that the Amendment would render the Bill inoperative, he could not accept it. So far as their desire to obtain national statistics was concerned, the Government were following the best skilled advice which was contained in the Minority Report of the Select Committee.

MR. YOUNGER asked if the proposal in the Bill had not reference to the abatement of existing rates.

MR. THOMAS SHAW said that his object was to show the necessity of preliminary inquiry. It was in the mind of everybody that they should have national statistics as to the land values on the same scale as the existing Valuation Acts in Scotland, which made no distinction between valuation for rating or taxation purposes.

MR. A. J. BALFOUR (City of London) said that this was a branch of the question which was quite different from the subject of whether they ought to give options as to rating to rural districts apart from this Bill. He had an Amendment on the Paper relevant to that point, and in the observations he had to make on this Amendment he would not refer to the comparison between agricultural districts and urban districts, which was at the basis of the right hon. and learned Gentleman's argument. The right hon. Gentleman said that this was a Bill for the ascertainment of national statistics, and he had two observations to make upon that. He gathered from the right hon. Gentleman that he wished the House to discuss this Bill on the Report stage, without reference to the schemes of local taxation, which he and his friends, not always speaking with one voice, desired to see subsequently adopted on the basis of this measure. It was, however, impossible for them to discuss the Bill in that abstract manner. The Lord Advocate wished them to regard the Bill simply as a matter of obtaining information without regard to the uses to which that information might be put, but one must remember the various uses to which the Government had announced that they proposed to put the information. The Solicitor-General for Scotland had announced that in his view the duties should be subjected to taxation. The Lord Advocate had not, he thought, got so far as that.

*MR. THOMAS SHAW: I said expressly and from the first that existing contracts as to feu duties must be respected.

MR. A. J. BALFOUR, continuing, said the Prime Minister and Chancellor of the Exchequer, frightened and alarmed by the utterances of their rasher colleagues, had gone out of their way to explain that they did not propose to break existing contracts in connection with the taxation of feu duties and other contract values. That destroyed the whole value of this measure in the eyes of those who wished to have it passed, and who were in effect its authors. The Propagandist Institution, which had been started at Glasgow, had no other object in view than the taxation of feu values and other contract values which the Solicitor-General for Scotland wanted, but which the Government now discovered would be very imprudent.

THE CHANCELLOR OF THE EXCHEQUER (Mr. ASQUITH, Fifeshire, E.) said he had always held that view, and stated the same thing.

MR. A. J. BALFOUR said he believed that the right hon. Gentleman had always held that view, and if his words were susceptible of any other interpretation he withdrew them. But if the Prime Minister and the Chancellor of the Exchequer had always held that view, they might have communicated it to their hon. and learned colleague, and it would have saved a great deal of confusion in Scotland. It would have been better if one of the right hon. Gentleman's colleagues had not gone about Scotland preaching an economic doctrine which the Prime Minister, the Lord Advocate, and the Chancellor of the Exchequer repudiated. When the right hon. Gentleman said he held that view, however, he would like to ask whether he had always advertised it.

MR. ASQUITH: Yes, always.

MR. A. J. BALFOUR: Well, I do not know if that is so.

MR. ASQUITH said he had supported the Bills on this subject which had been brought forward in the last two or three Parliaments and every one of them contained an exception in favour of existing contracts.

MR. A. J. BALFOUR said he had not the least quarrel with the right hon. Gentleman, but it was sufficient for his purpose that one member of the Government held that these values should be taxed and that he had not only held that opinion but had preached it before the general election and after the general election.

THE SOLICITOR-GENERAL FOR SCOTLAND (Mr. URE, Linlithgowshire) said he had not done so since the general election.

MR. A. J. BALFOUR said he would not dispute that point with the Solicitor-General for Scotland as it was sufficient for his purpose to point out that one member of the Government held that these values should be taxed while the Chancellor of the Exchequer thought it would be immoral to tax them. The original authors of this Bill, the people whose agitation had brought about this proposal, had always desired to put on the very form of taxation which the Prime Minister and the Chancellor of the Exchequer thought was a breach of the whole idea of public honesty and private property. Was not that a reason for giving localities in Scotland an opportunity of rejecting a Bill which would not carry out the objects which they had in view in promoting this agitation? The right hon. Gentleman had said that these statistics were to be obtained for a national object. Then why were they not to be obtained at the cost of the nation? He was told that a sober estimate of the cost of this valuation in Scotland was £2,000,000. The Government talked glibly about obtaining information for the nation at the cost of individuals, but they had not given the House any estimate of the cost. Twelve thousand separate valuations would have to be made in Scotland, including the burghs and counties, and they were asking proprietors of hereditaments to make valuations of great difficulty, involving in many cases expert advice. These individuals ought to be given an opportunity of objecting, not so much against the principle of the Bill, as against the cost of the Bill's being thrown upon them. The agitation with which this Bill was intimately connected had already done a great deal of harm. The Government had to choose between carrying out a policy which might benefit a good many ratepayers in the towns, but at the cost of public faith and morality and the interests of the best of the working class, and a policy which would be enormously expensive so far as the collection of information was concerned, but would be extraordinarily barren of pecuniary results so far as the ratepayers of the towns were concerned. When the towns and country districts realised that carrying out this Bill would be a very expensive operation and they would get nothing out of it, he thought the Bill would lose the little popularity it now possessed and the factitious support now accorded to it. An opportunity ought to be given to the Scottish ratepayer to relieve himself from the mesh which the Government were involving him in. They understood that subsequently a Rating Bill would be based on this measure, and he thought that burghs and counties should be given an opportunity of adopting it; if they did so the measure would be a success. It would not be an elaborate experiment from which large conclusions could be drawn. It would not be an experiment extending over a large part of Scotland. Why should not the Government allow the small section of Scotland which rated their Bill at its true value to escape from the unnecessary burden of perfectly useless taxation which it was proposed to throw upon them? In the interests of the ratepayers, of those who had to make this valuation, in the interests of the burghs, in the interests of the general requirements of the community, he earnestly suggested that local option in this particular might well be adopted by the Government. They might allow each locality to decide for itself whether it thought it worth while to adopt a very costly investigation for the very barren results promised by the Lord Advocate and the Chancellor of the Exchequer, or in the hopes that the more productive policy of the Solicitor-General as he understood it would be carried out. Let that section of opinion which had forced this Bill forward decide whether the policy was worth while, and if they thought not let the Government allow them to leave it to their friends in the neighbouring burghs to go through the perfectly useless procedure which the Bill attempted to impose on every burgh and county of Scotland.

MR. ASQUITH said he had listened with great interest to many speeches delivered by the right hon. Gentleman opposite, but this was the first time he had heard him address the House in favour of the principle of local option. Like many new converts, the right hon. Gentleman had applied that principle in exactly the wrong way. The earlier part of his speech, in which he sought to establish a difference of opinion between Members sitting on the Treasury Bench with regard to the taxation of feu duties, was, except in one particular aspect, wholly irrelevant. But as the right hon. Gentleman had raised that point, he desired to say in a sentence, speaking for himself, and he believed for the vast majority of those who sat on the Ministerial side in this Parliament and on the Opposition side of the last Parliament, that they had repeatedly had before them measures dealing with this matter, and in every case, so far as he knew, there was a clause in the Bill which excluded its application to existing contracts, and nobody had ever welcomed a measure of this kind except on that assumption. In his view that was an elementary condition of any reform.

MR. A. J. BALFOUR asked whether it was not the fact that the right hon. Gentleman voted for a Bill last year which contained no such clause.

MR. ASQUITH said that might be so, but on that occasion the Lord Advocate laid it down in the most explicit terms that that was the only assumption upon which that Bill could be accepted. The only relevance of the right hon. Gentleman's reference to this topic was his suggestion that the various local authorities in Scotland who had interested themselves in this matter would not have done so unless they had thought that existing contracts and feu duties were going to be the subject of taxation. From that he inferred that if the principle of local option were allowed to have full effect, the same keenness would no longer be shown. It was extraordinary, if that was the case, that the various municipalities not only in Scotland, but in England, should have joined in supporting a Bill of an hon. Member which had always contained that very restriction.

MR. YOUNGER said that the right hon. Gentleman must have surely forgotten that while the Bill of the hon. Member for the Elland Division excluded feu duties, the Glasgow Bill did not.

SIR HENRY CRAIK (Glasgow and Aberdeen Universities) said the so-called Glasgow Bill was not a Glasgow Bill in any sense of the word.

MR. ASQUITH said the Bill to which he was referring concerned the kingdom as a whole. He thought he was justified in saying there was no reason to think that the municipalities of the country would be any less willing to adopt this reform because it was so restricted. The right hon. Gentleman had referred to the supposed expense which the operation of this Bill would entail. He did not think the operation would be a very expensive one, and he was certain that when it had once been performed, when the initial expense had once been incurred, subsequent developments would be very inexpensive and simple. As regarded the expenditure of the proprietor, the expense of a rough estimate was all that he would be put to. That estimate would be subsequently revised by the burgh and local surveyor, and he did not think that would be a very heavy tax either in time, trouble, or cost to the owner. But assuming local option were adopted, and the great bulk of the burghs and counties took advantage of local option, there would be no relief in the expenditure, because the only expense which would be removed in such a case would be the expenditure of the council itself. If they refused to adopt the Act, the owner also would be entitled to refuse to do so. If the council decided to adopt the Act, the owner *nolens volens* would be put to the same expense. He desired to point out that the great virtue of the Scottish system was that there was a single valuation for all purposes. This was a very great improvement on the English system. Under the Act of 1854 these valuations were conducted by a single officer, and in a great number of cases he was an Imperial officer performing duties for the Inland Revenue. They felt it would be dangerous to introduce into that system any practice which would not be uniform. He considered the step now proposed a useful one from a purely statistical point of view, but he did not attempt to conceal the fact that many of them regarded it as the first step towards a great reform. He agreed that the object of the promoters of the Bill was to take measures for ascertaining facts on which local authorities would be enabled in future to make use of fresh sources of revenue.

MR. WALTER LONG (Dublin, S.) said he only intervened to say a word in reference to something which had fallen from the Chancellor of the Exchequer. The right hon. Gentleman said it was the first time he had heard the Leader of the Opposition express his views in favour of local option. His right hon. friend might never have addressed the House upon the subject before, but as the head of the Government he had more than once been responsible for Bills which had adopted the principle. He reminded the right hon. Gentleman that the great body of statutes which controlled the public health of the country nearly all rested on what had up to now been considered the exceptionally sound foundation of the option for the local authorities to adopt them if they thought fit. The Chancellor of the Exchequer had used an argument against the adoption of the clause moved by the hon. Gentleman opposite, namely, that the Scottish system of valuation was far superior to that existing in England. With that observation he entirely agreed. It had been the aim and object of most of those who had striven to amend the valuation laws in England to take the example of Scotland as their model, and try to work up to that higher standard. He entirely agreed with what the Chancellor of the Exchequer said. He did not agree, however, that inconvenience would result from the application of a different system in different parts, for this reason, that they had had it laid down repeatedly that the intention of this particular Bill was not to create a new system of valuation but to take a first step in that direction, and to accomplish the result by subsequent legislation. If that were the case, what stronger argument could they have for this clause than the fact that this legislation was to be followed by other legislation, which would never be introduced, however, by any Government, no matter how powerful, unless the first step had been taken which would not only justify it in the places where it was to be enforced, but which would have the general consensus of opinion in the country to which the law applied. He did not understand how the Chancellor of the Exchequer could justify the opposition he had offered to the clause. He regretted very much that the Government did not see their way to adopt the clause, because he thought it would, if accepted, lessen the feeling of opposition which existed in many quarters to the Bill. The whole system of valuation was so complicated, so difficult, and so important, that any step they took to amend it should not only be well considered, but be supported by popular opinion. He believed it would have been of enormous advantage to have had behind them the expressed opinion of the local authorities who, by the adopting of this Act and the working of it, would have shown in the first place that they believed in the principle, and, secondly, in the views of the Government in introducing the Bill and carrying it through the House.

MR. CHIOZZA MONEY (Paddington, N.) said the policy of this legislation was based on the not very scientific gospel of Henry George, the supporters of whose policy thronged the benches behind Ministers. He challenged any supporter of that gospel to tell him the name of any economist of any reputation, living or dead, of the old school or the new, who was a supporter of the doctrine underlying this legislation. A few weeks ago he had discussed in that House the point that the taxation of incomes should not proceed without a knowledge of the facts, and he had moved an Amendment which was aimed at securing knowledge about incomes before proceeding to tax them. It therefore followed, he need hardly say, that he strongly supported the Lord Advocate in his desire to gain knowledge of statistics through this Bill so far as that was the object. As the Leader of the Opposition had said, it was impossible to consider this clause, or indeed any part of the Bill, without reference to what would follow this particular first step. What was the object of the Bill? It had been described by the Lord Advocate, on the Second Reading, as a step towards the taxation of values largely created by the enterprise of the community. He ventured to differ from that observation. There were no social values existing in this country which were not taxed already by existing methods of taxation. He would add that if the Government desired to tax social values as they ought to be taxed, they would find a much more scientific, much more common sense and practical method of getting at those values by reforming the existing system of taxation, than by setting up this new method of taxation, to which they themselves had to make important exceptions. They themselves confessed that they could only apply it partially, and could only apply it to some people and not to others. It was an entire mistake if anyone supposed that social values entirely attached themselves to land. The greater part of the social values of this country created by the community did not attach themselves to the land, but to other things. The exaggerated ideas with regard to this particular policy of taxing land values, which were doubtless entertained by a great many local authorities on imperfect information, had been very well expressed by one of the most able advocates of this policy who now sat behind the Lord Advocate. The hon. Member had said in very plain words that he would substitute a land-values tax for all other local rates, and, when he had done that, he would logically proceed to place all Imperial taxation on the same source. But that was not statistically possible. The most liberal estimate of the land values of the country was a sum not large enough by one-half for the purpose. They did not come to that House to talk fine theories; they came to frame, if they could, sensible and practical policies which were capable of application to existing circumstances. He thought they must always bear that in mind. What was this policy in essence? It was to relieve capital of taxation at the expense of the landlords. Let them take, for instance, a tea shop in the Straud. It would be hardly a proposition in accordance with common sense to relieve that tea shop of the cost of police, of the maintenance of the roadway, and of all the other beneficial services performed for it by the local authority. Was it really a common-sense proposition that in connection with this thriving business, which drew from the community social values, five, ten, twenty times that which was drawn by the landlord, the capitalist or body of capitalists should be relieved of taxes? Surely if there was any doubt as to the social values in such a case they had only to compare the value of the site and its increment with the amount of interest drawn from the business, which only meant the employment of girls at a cheap wage, and not very much enterprise. If they went to the Stock Exchange, they would find the £1 shares of that business quoted at something like £5 or £6. The landlord did not draw the lion's share of the work of the girls, or the social values created by the presence of the community; they who drew those values chiefly were a body of idle capitalists, who had put their money into the tea shop. The local authority must really have regard to what the rates were, and it could not be too clearly borne in mind that even in regard to what were called onerous rates, they were really beneficial to the occupier. If a local authority desired to reform its taxation ought it to proceed upon the policy to which this measure was the first step; or ought it rather to have proper regard to the means of those who lived within its borders? The whole matter became plain when they considered where the injustice of rating lay. Let them take the case of a man with an income of £4,000 a year living under the beneficent sway of one of the London Borough Councils. He would probably live in a house assessed at £200 a year, and the rates would be, say, 7s. 6d. in the £. That man would pay in rates £75 a year. Regarded as an income-tax that rate was 4½d. in the £ on his income. Let them contrast that with a man earning £400. He would probably live in a house assessed at £45 a year, and would pay £16 7s. 6d. in rates, or an income-tax of 10d. in the £. Would this Bill or the policy it was intended to lead up to remedy that injustice? It would not. Some sort of an income-tax or an ability-tax would have a fairer incidence. The policy to which this Bill was the first step made not the slightest impres-upon these injustices. While he advocated a local income-tax he did not desire to overlook another important point in the question of rate incidence to which he would now refer. While he did not for a moment acknowledge that the landlord bore the entire burden of local rating, he did agree with Professor Marshall that such part of local taxation as was levied upon the site value tended to decrease the rental and was in some sense a burden on the landlord. If a local authority were to levy an income-tax, and the present unfair house rate was abolished, the landlord would stand to gain. In that case the valuation of sites might be useful. They might levy a new local land tax directly assessed upon the valuation ascertained by such a Bill as this to compensate for the benefit gained by the landlord. Thus, they might find a common ground of agreement in the imposition of a land tax combined with a local graduated income-tax, which should have a fair incidence, according to ability to pay. Any legislation which contained so many exceptions as this Bill stood condemned on the face of it. The exceptions were so numerous that it would not be worth pursuing this policy. Moreover, the policy of taxing land values, with present contracts excepted, would not obtain for the community the unearned increment. How could they get at the increment which attached to sites due to the presence of the community? It was not difficult, and it could be done by a local transfer tax on the German pattern. Such a tax was in force in Frankfort. The tax varied according to the time which had lapsed, and according to the amount of increment which had occurred since the last transfer at sale or death, and a certain proportion of it was taken for the community. That was a direct and sensible method. The longer the transfer was delayed, the more the value rose. If they combined the income-tax with a new land tax and with an increment tax, they would get a fair and equitable scheme of local taxation. He did not advance this view dogmatically, but he thought it should have consideration before they went further with a policy which would only add very greatly to the complications which already existed

Mr. MUNRO FERGUSON (Leith Burghs) said it had been stated that the people of Scotland did not understand the subject before the House, and probably that statement was correct. He did not think, however, that the people of Scotland would understand it much better to-morrow. This was a very intricate question which was not grasped by everybody and which he for one did not pretend to grasp in the higher branches. There were, however, one or two practical considerations which were understanded of the people. He agreed that it would be most inexpedient to upset the general system of valuation in Scotland. From the humble, but practical standpoint of the local authority he should very much deprecate the introduction of local option in rating matters. They had a certain amount of trouble now with regard to appointments under local authorities, but if they were allowed to regulate their own basis of valuation as was proposed under this local option clause some disturbing elements might be introduced which would not conduce to the harmonious working of local institutions. Therefore, they had to take the Bill generally as part of the valuation system of the country. The point which was really raised by this new clause was the cost. If for a national object information was required, the cost of obtaining it should be borne by the nation. He was certain the local authorities would expect material assistance to be given them sufficient to cover the cost of this new entry. That was needed, and he thought the Chancellor of the Exchequer ought to have made some reference to that subject. As for the cost, he did not think it would be anything like £2,000,000. Some assessors had estimated their costs at very considerable sums, but they would amount to nothing like £2,000,000. He did not think in the case of landed estates the cost would be anything out of the ordinary course. He had consulted several people, and he was inclined to think it would not cost anything. With all due respect to the members of the Committee he attached less weight to the last inquiry than to the inquiry into the incidence of taxation held under Lord Balfour of Burleigh. This valuation was just as necessary to carry out the minority Report of Lord Balfour of Burleigh's Committee of inquiry as to carry out the recommendations of the last inquiry. It was necessary to separate house and site values. At any rate Lord Balfour of Burleigh advised separation in the valuation, and that could only be carried out by some such proposal as that contained in the Bill.

MR. YOUNGER reminded the hon. Member that the separate valuation which was recommended was purely for the purpose of giving deductions on poor rates and so on. It was for a different purpose altogether from that to which the hon. Gentleman was referring.

MR. MUNRO FERGUSON said that if he were to build on this in the future he would take the Report of the Joint Secretaries to the Treasury as the basis of legislation. He would not take the basis of the last inquiry, nor would he limit himself in any way to the proposals of the minority Report or that of the Joint Secretaries. If the only purpose required was a separate valuation that was all they would get by this Bill. The real point raised by the Amendment was the question of cost. The scheme being a national one, he thought the local authorities had a right to expect a lead from the Treasury in respect of the first valuation. The question of local option might come in later on, but he did not think it could possibly come in now. The right hon. Gentleman had laid considerable stress on the policy advocated by the Solicitor-General. He was not himself a supporter of the full policy of the hon. and learned Gentleman, because he did not think it would be just if applied in certain cases. A number of inquiries into this question had taken place and a variety of proposals had been made. The proposal in the Bill was one which ought to be carried out. He did not believe that at the beginning there would be much money in the scheme, but eventually it would lead to increased revenue which might become considerable, He believed in taking the whole of the increment for the benefit of the community which had created it. They might all unite on this valuation, which committed them to nothing, but which was absolutely essential if they were to do anything. Whether in respect to agricultural land or urban land he could see no difficulty in carrying out the proposals of the Government. He had always maintained that the increased value of agricultural land was created by the owner, and that the increased value of urban land was not created by the owner, although he reaped the full advantage of it. It was in order to mitigate that irregularity, as he conceived it to be, that this valuation was an essential preliminary to any readjustment of local taxation or of any scheme for the endowment of the community with a better proportion of the value it created.

*SIR E. BOYLE (Taunton) said the cost of making this valuation would be about £4,000,000. [MINISTERIAL laughter.] Hon. Members opposite laughed, but he thought he could prove the statement. He found that the rateable value of property in the city of London was £43,000,000 per annum. Taking that at twenty years purchase the capital value was £860,000,000. It occurred to him that it was possible the whole of Scotland might be worth half the capital value of the city of London. He thought it was worth more, but for the purpose of his argument he would reckon it at half. That gave the capital value in Scotland at £430,000,000. They could get it valued for nothing by people who did not understand the work, but if they got it valued by people who did understand the work they expected to be fairly remunerated. If they took as representing this work 1 per cent. on the £430,000,000 they found that the cost would be £4,300,000. He noticed that hon. Gentlemen opposite did not laugh now. Considering the amount of work which the surveyor would have to perform he did not consider 1 per cent. too high. No man of repute in his profession would do it for very much under 1 per cent., but even if the cost was only a half per cent. the amount would be £2,200,000. When it was done it would not be worth for practical purposes the paper it was written on, as everyone who had dealt in property would admit. When a man had a property to sell he consulted a surveyor, but it often happened that the prices realised in the market differed very considerably, up or down, from the estimate which the owner received of the price the property would probably bring. The valuation under this Bill might be made by some person who spoke in a flippant tone of something which he did not understand at all. He was confident from his long experience that if they were to get a proper valuation of property in Scotland they would have to pay at least £2,000,000 for it. Nothing was more difficult to get than a correct valuation of property. It must be looked at from the point of view of both the buyer and the seller. In this case there would be a tendency on the part of surveyors to put up the value however much they might guard themselves against forming a partial judgment.

*Mr. EVERETT (Suffolk, Woodbridge) said the new clause seemed to him to be an exceedingly reasonable one. The different localities which would be affected would, if it were passed, have the option of saying whether the measure should be put into operation in their areas. They would be able to consider whether it would be worth while incurring the cost; they would also be led to consider whether it was just, aud what they were likely to get out of the measure when it was put into operation. The Bill provided for ascertaining certain facts, but they all knew that the ultimate object was to make those facts the basis of the rates and taxes which should be imposed hereafter. It appeared to him that the Bill would work a very unjust revolution in rateable value. Rates had hitherto been made on annual value—at what the property could be reasonably rented at from year to year. The Bill had in view assessing the rate on the capital value of land, which was a very different thing. He considered that would be most unreasonable and unjust. Why should a particular kind of property be selected from all other kinds to be taxed on its capital value? No one liked paying rates. Why should different kinds of property be unequally treated? A large amount of property was now not charged rates at all. On the average it was supposed that what was inside a house was twice the value of the house itself, but there was an Act which was renewed from year to year by which all that kind of property was exempted altogether from liability for rates. Why not rate that if any change was to be made? He could conceive nothing more unfair than to charge land rates on its capital value while all other kinds of rated property were rated on their annual value. He was very glad to think that this revolutionary system was to begin in Scotland if at all. The Scottish people were good economists and possessed of sound common sense, and he believed that when they came into close quarters with the Bill they would not put it in practice. At any rate the Bill should only be put in practice in those localities which agreed to adopt it. As an English Member and having an eye to what might come to England if the Scottish people liked the Bill—although he did not think they would when they came to know what it involved—he was in favour of the new clause because it would minimise the opening effect of the measure. If the Scottish people, speaking generally, did not wish to incur a good deal of expense in taking the first step on this new and dangerous road, it could be tried in the first instance on a limited scale only. Fortunately this was not a party question, and he would vote for the Amendment.

*Mr. McCRAE (Edinburgh, E.) said that anyone listening to the debate would not imagine for one moment that they were discussing a Bill the object of which was to ascertain land values in Scotland. All those who had taken part in the discussion, except the hon. Member who seconded the Amendment, were English Members who, with all respect to them, did not understand the system of Scottish valuation. The right hon. Member for South Dublin paid a tribute to the method of Scottish valuation, and during a previous Administration had introduced a Bill to bring the English system up to the Scottish system. Did the right hon. Gentleman imagine that Scotland was to be kept standing still until England was brought up to the existing Scottish system? He would say to the right hon. Gentleman that they in Scotland were desirous of forging ahead and taking a further step. The right hon. Gentleman would admit that hitherto they had been able to demonstrate that the Scottish system of valuation was one of uniformity and simplicity. Any Amendment to the Bili like that proposed by the hon. Member for Preston would cut at the root of that uniformity and simplicity which had hitherto obtained. He knew that all those who supported the Amendment did not do so because they were in favour of local option in adopting the Bill, but because they were opposed to the Bill altogether. The Leader of the Opposition had made a most extraordinary statement. He had listened to many speeches from the right hon. Gentleman, especially in the last Parliament, notably those on the fiscal question, but he had never heard a more extraordinary statement than the right hon. Gentleman had made that day, viz., that the cost of land valuation in Scotland under the Bill would amount to £2,000,000. He admitted that the right hon. Gentleman had been supported in that view by the hon. Baronet the Member for Taunton, who said that it would cost £4,500,000. The hon. Baronet might just as well have said £10,000,000 or £20,000,000. The sums stated were altogether absurd.

*SIR E. BOYLE asked if the hon. Gentleman would make a calculation showing where he was wrong?

*MR. McCRAE said he would. He understood that the hon. Baronet was a great authority on rating. They had had his assistance in the Committee upstairs, but whatever experience the hon. Baronet might have in England—and no doubt it was great—he was quite sure that he had not come to close quarters with the system in Scotland. The hon. Baronet made his calculation on the basis of the employment of expert witnesses. That was not the system in Scotland. There the assessors had the confidence of those who rated and the people who paid the rates, and they proceeded in a much simpler and cheaper way. The assessor of the City of Glasgow, who actually made the valuation of that city, stated before the Committee that the cost of this Bill if put in operation would amount to £6,000.

*SIR E. BOYLE: That is purely hypothetical.

*MR. McCRAE: And the assessor for the City of Edinburgh calculated that it would cost the public to make a similar valuation in that city £4,000,

*MR. REMNANT (Finsbury, Holborn): Not at the public expense.

*MR. McCRAE: The hon. Member knows nothing about Scottish valuation or he would not have made that interruption.

*MR. REMNANT: I beg pardon; I do know something about Scottish valuation.

*MR. McCRAE said that the assessors were paid by the public. Taking Glasgow and Edinburgh, the cost would amount to £10,000; that would of course be exclusive of any sum paid by private owners who wished to contest the assessor's valuation. He could assure the House that in Scotland they had very few appeals from the valuation of the assessors, who had the confidence of the community. He was sowewhat astonished by the speech of the hon. Member for North Paddington, who was an authority on questions of taxation. Before the Income Tax Committee the hon. Member and others complained seriously as to the lack of statistics in this country. One witness before the Committee went so far as to say that there was no country in the world so lacking in statistical information as Great Britain. He would have thought that the hon. Gentleman would have been delighted to see a Government which was trying to obtain accurate statistics. He was sure that the hon. Member did not want that the land should bear no taxation. When they remembered that the valuation of land in this country was made in the reign of Queen Elizabeth, he thought it was time that a new valuation should be made as the basis of a reform, not only of local but Imperial taxation. If they were to have reform they must know what were the different elements which were to compose the subject of taxation. The hon. Member for Preston had said that there was no money in this Bill, but he did not seem to have much faith in his own view. If there was no money in it, the Bill would demonstrate the fact. The hon. Member for Preston was more lucid on other questions of taxation, but on this he was like his distinguished predecesor who always brought in King Charles's head. The hon. Member had got a wrong view of the question which was not supported by political economists. He would remind the hon. Gentleman that John Stuart Mill went very much further than the lines of this Bill; he recommended that all the increased value given to land by public improvements should not only be taxed but confiscated. The hon. Member for Preston seemed to think that he had scored a point when he referred to the English Land Holdings Bill, and said that difficulties would arise with the county councils, but he might point out that this was a Bill for the valuation of land in Scotland, and they would have no such difficulties in that country as the hon. Gentleman anticipated if the Bill passed this House and another place. Not only so, but they had a practical demonstration of the soundness of the view which the Government were putting forward in this measure by the system of taxation which exempted improvements and rated the land value only under the Crofters Act, which had been a success for twenty years. The passing of a Bill like this and the taxation consequent upon it, would be a relief to agriculture which hon. Members were so anxious to have put in a satisfactory position. The hon. Member for Preston put forward his case for local option because he said it was carried on in New Zealand, but that was not so. It was taxation of land value by municipalities that was optional in New Zealand. The valuation was made, and therefore that argument fell to the ground. He thought that the effect of the Bill would be to supply them with information which would be of the greatest possible benefit to the nation.

Mr. REMNANT said he would not have risen but for the fact that the hon. Member referred to him as not knowing anything about the system which prevailed in Scotland, and he had jumped up and said that he did understand it. He thought that one might live a very long life and not understand a measure of this kind which, in his judgment, should not be rushed through, because it might revolutionise the land system of the United Kingdom. This was but the first stage of a very much larger measure, which might later on be made applicable to England. What was the case for the Bill, if, as was alleged, they intended to protect existing contracts, because they knew that it was the intention of the vast majority of the supporters of this Bill if it was passed to propose not only the breaking of existing contracts but also the taxing as far as they possibly could the landlord out of existence? On the Front Government Bench they had the Solicitor-General, who, if he was not actually a member of the Scottish League for the Taxing of Ground Values, which was brought into existence to support and carry out the proposals of Mr. Henry George, was a supporter of it. The Solicitor-General supported that league, and so did the Lord Advocate and three or four other members of the Front Bench opposite. If they were not members of it they spoke at its meetings. Three or four members of the Government were also members of the English League. He had been laughed at for calling Mr. Henry George a half-educated man, but he repeated the assertion, and he was sure that anyone who examined his works would agree with him; and no less a person than Mr. Gladstone, whose words in some quarters seemed now to be forgotten, although they should command respect, not only in this House, but throughout the country, on the 27th February, 1891, said that there were persons who viewed the proposals of Mr. Henry George as being of a very enlightened character and who very much resented the use of hard words with regard to him, but so far as his knowledge and examination of his proposals went it was difficult, he confessed, to exclude them or extricate them from the category of those plans to which hard words were commonly applied. The Chancellor of the Exchequer had objected to there being any idea that he would be a party to breaking existing contracts, and he had explained to the investors in the City the other day that they need not be afraid of there being any measure for breaking contracts passed by this House. He was afraid the City had not given the amount of weight to his words which they ought to have done, and the right hon. Gentleman did not seem to have shifted the feeling of unrest which everybody knew to exist. The Chancellor of the Exchequer, although now he said he did not wish to break existing contracts, had supported the Bill of the Glasgow Corporation which did so. How was the outside public to judge? Let them take the case of the London County Council. A bogie was started that London was owned by half-a-dozen great landlords. The Council ordered that a ground plan of London should be made, but it was not yet finished, although it had cost some thousands of pounds. Why was it not finished? Because it had been found that, instead of half-a-dozen landlords, there were thousands and thousands of owners and that there was no foundation for the statement. They were told by the statistical officer of the London County Council that he could value the whole of the land of London for £25,000 the first year, and £5,000 a year afterwards. Then why did he not make the ground plain at a fraction of that cost? The Lord Advocate knew perfectly well that the cost of the valuation would be much more than £25,000 if it was ever finished. If he could rely on his figures let him insert a fixed sum in his Bill and put in the words "not exceeding" before it, and he would soon see who was right and who was wrong. They could not make a register of the streets of Glasgow for less than £20,000. If this was made the subject of a non-party vote the right hon. Gentleman would find the result very different from what he anticipated.

MR. MENZIES (Lanarkshire, S.) said he was glad to find himself in agreement with the Government in their endeavour to get this valuation for Scotland. He could not agree with the hon. Member for Preston that local option would be desirable, because what the people of Scotland wanted was a valuation of the land of Scotland, and they would not be satisfied until they had it. He agreed with the hon. Member for East Edinburgh that the cost would be small—£8,000 at the most. He was not quite in agreement with those who thought great results would be obtained from this valuation. He had given some thought to the matter and taken out some figures from the valuation rolls of Scotland. He found the total annual rateable value of the burghs of Scotland amounted to £17,000,000, whilst that of the agricultural land amounted to £15,000,000. He believed the land value of Edinburgh ranged from 20 to 33⅓ per cent. of the rateable value, but in order not to take too small an amount he would put it at 20 per cent. of the whole value of £6,000,000. He did not in this connection take into account site values, as they were not rated, but in order that there might be no discrepancy, he would add £1,000,000 for those, which would bring the capital value out at about £7,000,000. The hon. Member would be surprised to know that the assessments of the local authority in Scotland amounted to almost as much as the total annual land value. Therefore enthusiasts who regarded the taxation of land values as something which would mitigate all the evils under which we lived would admit, now that he had given them these figures, that they were labouring under an hallucination. There was one other point. Both the Lord Advocate and the Chancellor of the Exchequer admitted that they could not break contracts and could not tax feu duties. There was no method at present of taxing them, and he could not find what the total amount of the feu duties was. If there was any possibility of getting at that, then he thought it ought to be obtained, because then they could easily estimate what a tax of 20 per cent. on the land value of Scotland would bring in.

SIR HENRY CRAIK said that although the speech of the hon. Member who had just sat down was in favour of the Bill, it had given them a serious object lesson as to the result of the Bill if it passed. But he wished to put two considerations before the House very shortly, which applied solely to the real point of this Amendment, and not to the general principles of the Bill—to the question of option. The best argument in favour of option was found in the speech of the hon. Member for East Edinburgh, who said that this was not for local purposes only, but for Imperial purposes as well.

There was a strong argument for option there, because if this was for Imperial purposes the Bill itself only applied to one part of the Empire. How was it to be used for Imperial purposes under those conditions? Were there not also differences in different localities which made option necessary? Let them take the small decaying burghs which were so frequent, unfortunately, in Scotland. In the case of those burghs, there was practically no land value. The buildings were let at a price at which they could not now be built, setting aside the value of the land on which they stood. With a diminishing value for rating purposes, and hardly touched by local taxation, surely some option must be given to them. And the same rule must be extended to urban areas where the property was constantly increasing in value. He would only quote one case to show how absolutely impossible it was to apply land values to all the areas. They knew quite well in watering places what was the value of a pier. He had in his eye one of the southern watering places, where the £1 shares in the pier were now selling for £13 or £14. The value was enormous. Almost the whole foundation was below high-water mark. Suppose they had to value that property which now gave an enormous return that was easily gained by the shareholders; suppose they were asked to estimate the land value of that property. What land value could they give? Not only was it almost impossible to value the land, but it should be remembered that all such properties as this absolutely claimed exemption from the rates altogether. The Lord Advocate and the Solicitor-General had said that the object of the Bill was to exempt all buildings and improvements, and solely to take the land value. But was there not in various localities a large amount of such property of which it would be absurd to attempt to estimate the land value, and which it would be still more absurd and unjust to attempt to exempt from rating altogether? The fact was that the Bill had been promoted by extremists, like those who promoted the Glasgow Bill. The Chancellor of the Exchequer had mistaken his interruption as to "the Glasgow Bill." It was not intended to interfere with the right hon. Gentleman's argument, because the Glasgow Bill, a measure which derived that description from the circumstance that it was promoted by Glasgow gentlemen, applied to the whole of Scotland, and not merely to Glasgow. In connection with this Bill they wanted to throw a sop to the followers of Henry George; it asked them to incur an unwarrantable expense, to attempt to do something which was almost impossible of accomplishment; in fact, they were holding out hopes which he, for one, contended could never be realised, while they would deprive the community of a valid rate which was now easily and readily and justly paid.

MR. THOMAS SHAW rose in his place and claimed to move "That the Question be now put.

Question put, "That the question be now put."

The House divided:—Ayes, 248; Noes, 51. (Division List No. 437.)

AYES.

Abraham, William (Cork, N.E.)
Adkins, W. Ryland D.
Ainsworth, John Stirling
Alden, Percy
Ambrose, Robert
Asquith, Rt. Hn.HerbertHenry
Baker, Sir John (Portsmouth)
Baker, Joseph A. (Finsbury, E.
Baring, Godfrey (Isle of Wight)
Barlow, Sir John E. (Somerset)
Barnes, G. N.
Barry, Redmond J. (Tyrone,N.
Beaumont, Hon. Hubert
Bell, Richard
Benn, W.(T'w'rHamlets,S.Geo.
Berridge, T. H. D.
Bertram, Julius
Bethell, SirJ.H.(Essex,Romf'rd
Bethell, T. R. (Essex, Maldon)
Birrell, Rt. Hon. Augustine
Boland, John
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Brodie, H. C.
Brunner, J.F.L.(Lancs.,Leigh)
Buchanan, Thomas Ryburn
Burns, Rt. Hon. John
Buxton, Rt. Hn.SydneyCharles
Byles, William Pollard
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton, Rt.HnRichardKnight
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Cleland, J. W.
Clough, William
Clynes, J. R.
Collins,Stephen (Lambeth)
Collins, SirWm.J(S.Pancras,W.
Condon, Thomas Joseph
Corbett, CH (Sussex,E.Grinst'd
Cowan, W. H.
Craig, Herbert J. (Tynemouth)
Cremer, Sir William Randal
Crooks, William

Crossley, William J.
Cullinan, J.
Curran, Peter Francis
Davies, Timothy (Fulham)
Delany, William
Dewar, Arthur (Edinburgh, S.)
Dickinson, W.H.(St.Pancras,N
Dickson-Poynder, Sir John P.
Dilke, Rt.Hon. Sir Charles
Donelan, Captain A.
Duckworth, James
Duffy, William J.
Dunn, A. Edward (Camborne)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Everett, R. Lacey
Farrell, James Patrick
Fenwick, Charles
Ferens, T. R.
Ferguson, R. C. Munro
Ffrench, Peter
Findlay, Alexander
Flavin, Michael Joseph
Fowler, Rt. Hon. Sir Henry
Fuller, John Michael F.
Gibb, James (Harrow)
Gill, A. H.
Ginnell, L.
Gladstone, Rt.Hn.HerbertJohn
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Grey, Rt. Hon. Sir Edward
Gulland, John W.
Gurdon, RtHn.SirWBrampton
Halpin, J.
Hammond, John
Harmsworth,R.L. (Caithn'ss-sh
Harvey, W.E.(Derbyshire,N.E.
Haworth, Arthur A.
Hayden, John Patrick
Hazel, Dr. A. E.
Hazleton, Richard
Healy, Timothy Michael
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Henry, Charles S.
Higham, John Sharp
Hobart, Sir Robert
Hogan, Michael
Holland, Sir William Henry
Holt, Richard Durning
Horniman, Emslie John
Howard, Hon. Geoffrey
Hyde, Clarendon
Idris, T. H. W.
Illingworth, Percy H.
Jardine, Sir J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jowett, F. W.
Joyce, Michael
Kekewich, Sir George

Kennedy, Vincent Paul
Kilbride, Denis
King, Alfred John (Knutsford)
Laidlaw, Robert
Lambert, George
Lamont, Norman
Lardner, James Carrige Rushe
Lea, Hugh Cecil(St.Pancras,E.
Levy, Sir Maurice
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lough, Thomas
Lundon, W.
Lupton, Arnold
Lyell, Charles Henry
Macdonald, J.M(FalkirkB'ghs)
Mackarness, Frederic C.
Macnamara, Dr. Thomas J.
MacNeill, John Gordon Swift
MacVeagh, Jeremiah (Down, S.
MacVeigh, Charles(Donegal, E.
M'Crae, George
M'Hugh, Patrick A.
M'Kean, John
M'Kenna, Rt. Hon. Reginald
M'Killop, W.
M'Laren, H. D. (Stafford, W.)
Maddison, Frederick
Manfield, Harry (Northants)
Markham, Arthur Basil
Marks, G.Croydon(Launceston)
Marnham, F. J.
Massie, J.
Meehan, Patrick A.
Menzies, Walter
Micklem, Nathaniel
Molteno, Percy Alport
Money, L. G. Chiozza
Montagu, E. S.
Mooney, J. J.
Morgan, G. Hay (Cornwall)
Morgan, J. Lloyd (Carmarthen)
Morrell, Philip
Morse, L. L.
Morton, Alpheus Cleophas
Muldoon, John
Murphy, John (Kerry, East)
Murphy, N. J. (Kilkenny, S.)
Myer, Horatio
Napier, T. B.
Nicholls, George
Nicholson, CharlesN.(Doncast'r
Nolan, Joseph
Nuttall, Harry
O'Brien, Kendal(Tipperary,Mid
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Connor, T. P. (Liverpool)
O'Doherty, Philip
O'Donnell, C. J. (Walworth)
O'Grady, J.
O'Kelly,James(Roscommon,N.
O'Shee, James John
Parker, James (Halifax)
Paulton, James Mellor
Pearce, Robert (Staffs., Leek)
Pearce, William (Limehouse)
Pearson, W.H.M. (Suffolk,Eye)

Pirie, Duncan V.
Power, Patrick Joseph
Price, C. E. (Edinb'gh,Central)
Pullar, Sir Robert
Radford, G. H.
Rainy, A. Rolland
Rea, Russell (Gloucester)
Reddy, M.
Redmond, John E. (Waterford)
Redmond, William (Clare)
Richards, Thomas(W.Monm'th
Richards, T.F.(Wolverh'mpt'n
Rickett, J. Compton
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Robertson, SirG.Scott(Bradf'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Robson, Sir William Snowdon
Rogers, F. E. Newman
Rowlands, J.
Russell, T. W.
Samuel, Herbert L.(Cleveland)
Shaw, Rt. Hon. T. (Hawick B.)
Sheehy, David
Shipman, Dr. John G.
Silcock, Thomas Ball
Sinclair, Rt. Hon. John
Smyth, Thomas F. (Leitrim, S.)
Snowden, P.
Stanley, Albert (Staffs., N.W.)
Stanley, Hn. A. Lyulph(Chesh.)
Steadman, W. C.
Stewart, Halley (Greenock)
Strachey, Sir Edward
Strauss, E. A. (Abingdon)
Summerbell, T.
Taylor, John W. (Durham)
Tennant, SirEdward(Salisbury)
Toulmin, George
Trevelyan, Charles Philips
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walsh, Stephen
Walton, Sir John L. (Leeds, S.)
Walton, Joseph (Barnsley)
Ward, John (Stoke-upon-Trent
Wardle, George J.
Waring, Walter
Waterlow, D. S.
Wedgwood, Josiah C.
Weir, James Galloway
White, J. D. (Dumbartonshire)
White, Patrick (Meath, North)
Whitehead, Rowland
Whitley, John Henry (Halifax)
Wiles, Thomas
Wilson, Henry J. (York, W.R.)
Wilson, John (Durham, Mid)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Yoxall, James Henry

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Acland-Hood,Rt Hn.SirAlex.F.
Ashley, W. W.

Balcarres, Lord
Balfour, RtHnA.J.(CityLond.)

Barrie, H. T. (Londonderry, N.)
Beach, Hn. Michael HughHicks

Bowles, G. Stewart
Boyle, Sir Edward
Bull, Sir William James
Campbell, Rt. Hon. J. H. M.
Carlile, E. Hildred
Cavendish, Rt.Hn.Victor C. W.
Cecil, Lord John P. Joicey
Cecil, Lord R. (Marylebone, E.)
Chamberlain, Rt.Hn.J.A(Worc.
Cochrane, Hon. Thos. H. A. E.
Collings, Rt. Hn J.(Birmingh'm
Courthope, G. Loyd
Craig, CharlesCurtis(Antrim, S.
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey
Fell, Arthur

Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gretton, John
Hamilton, Marquess of
Harris, Frederick Leverton
Harrison-Broadley, H. B.
Hay, Hon. Claude George
Hills, J. W.
Hunt, Rowland
Kennaway, Rt.Hn. Sir John H.
Kimber, Sir Henry
Long, Rt.Hn.Walter (Dublin,S.
Magnus, Sir Philip
Pease, HerbertPike(Darlington

Rawlinson, John FrederickPeel
Remnant, James Farquharson
Roberts, S. (Sheffield, Ecclesall
Ronaldshay, Earl of
Salter, Arthur Clavell
Sloan, Thomas Henry
Staveley-Hill, Herny (Staff'sh)
Talbot, Lord E. (Chichester)
Valentia, Viscount
Vincent, Col. Sir C. E. Howard
Younger, George

TELLERS FOR THE NOES—Sir Frederick Banbury and Mr. Mitchell-Thomson.

Question put accordingly "That the Clause be read a second time."

The House divided:—Ayes, 58; Noes, 248. (Division List No. 438.)

AYES.

Acland-Hood,RtHn.SirAlex.F.
Ashley, W. W.
Balcarres, Lord
Balfour,RtHn. A. J. (City Lond
Banbury, Sir Frederick George
Banner, John S. Harmood-
Barrie, H.T. (Londonderry, N.)
Beach,Hn.Michael Hugh Hicks
Bertram, Julius
Bowles, G. Stewart
Boyle, Sir Edward
Bull, Sir William James
Campbell, Rt. Hon. J. H. M.
Carlile, E. Hildred
Cavendish, Rt. Hn.Victor C.W.
Cecil, Lord John P. Joicey-
Cecil, Lord R. (Marylebone, E.
Chamberlain,Rt.Hn.J.A.(Worc.
Chaplin, Rt. Hon. Henry
Cheetham, John Frederick
Cochrane, Hon. Thos. H. A. E.

Collings, Rt.Hn.J.(Birmingh'm
Courthope, G. Loyd
Craig,CharlesCurtis (Antrim,S.)
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey
Everett, R. Lacey
Fell, Arthur
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Gretton, John
Hamilton, Marquess of
Harris, Frederick Leverton
Harrison-Broadley, H. B.
Hay, Hon. Claude George
Hills, J. W.
Hunt, Rowland
Kennaway, Rt. Hn. Sir JohnH.
Kimber, Sir Henry

Long,Rt.Hn.Walter(Dublin,S.)
Magnus, Sir Philip
Parkes, Ebenezer
Pease,HerbertPike(Darlington)
Rawlinson,John FrederickPeel
Remnant, James Farquharson
Roberts, S.(Sheffield, Ecclesall)
Ronaldshay, Earl of
Salter, Arthur Clavell
Sloan, Thomas Henry
Staveley-Hill, Henry (Staff'sh.
Talbot, Lord E. (Chicester)
Tennant,SirEdward (Salisbury)
Thomson, W. Mitchell-(Lanark)
Valentia, Viscount
Vincent, Col. Sir C. E.Howard

TELLERS FOR THE AYES—Mr. Harold Cox and Mr. Younger.

NOES.

Abraham, William (Cork, N.E.
Adkins, W. Ryland D.
Ainsworth, John Stirling
Asquith,Rt. Hn. HerbertHenry
Baker, Sir John (Portsmouth)
Baker, Joseph A. (Finsbury, E)
Balfour, Robert (Lanark)
Baring,Godfrey (Isle of Wight)
Barlow, Sir John E. (Somerset)
Barnes, G. N.
Barry, Redmond J.(Tyrone,N.)
Beaumont, Hon. Hubert
Bell, Richard
Benn,W.(T'w'rHamlets, S.Geo.
Berridge, T. H. D.
Bethell,Sir J.H. (Essex,Romf'rd
Bethell, T. R. (Essex, Maldon)
Birrell, Rt. Hon. Augustine
Boland, John
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, Jame
Brigg, John
Brodie, H. C.

Brunner, J. F. L. (Lancs.Leigh)
Buchanan, Thomas Ryburn
Burns, Rt. Hon. John
Buxton, Rt.Hn.Sydney Charles
Byles, William Pollard
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton,Rt.Hn.RichardKnight
Cherry, Rt. Hon. R. R.
Clarke, C. Goddard (Peckham)
Cleland, J. W.
Clough, William
Clynes, J. R.
Collins, Stephen (Lambeth)
Collins,SirWm.J.(S.Pancras,W)
Condon, Thomas Joseph
Corbett,C.H.(Sussex,E.Grinst'd
Cory, Clifford John
Cowan, W. H.
Craig, Herbert J. (Tynemouth)
Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Cullinan, J.
Curran, Peter Francis

Davies, Timothy (Fulham)
Delany, William
Dewar, Arthur (Edinburgh, S.)
Dickinson,W.H.(St. Pancras, N
Dickson-Poynder, Sir John P.
Dilke, Rt. Hon. Sir Charles
Donelan, Captain A.
Duckworth, James
Duffy, William J.
Dunn, A. Edward (Camborne)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Farrell, James Patrick
Fenwick, Charles
Ferens, T. R.
Ferguson, R. C. Munro
Ffrench, Peter
Findlay, Alexander
Flavin, Michael Joseph
Fowler, Rt. Hon. Sir Henry
Fuller, John Michael F.
Gibb, James (Harrow)
Gill, A. H.

Ginnell, L.
Gladstone,Rt,Hn.Herbert John
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Grey, Rt. Hon. Sir Edward
Gulland, John W.
Gurdon,RtHn.Sir W.Brampton
Haldane, Rt. Hon. Richard R.
Halpin, J.
Hammond, John
Harcourt, Rt. Hon. Lewis
Harmsworth,R.L.(Caithn'ss-sh.
Harvey, W.E. (Derbyshire,N.E
Haworth, Arthur A.
Hayden, John Patrick
Hazel, Dr. A. E.
Hazleton, Richard
Healy, Timothy Michael
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Henry, Charles S.
Higham, John Sharp
Hobart, Sir Robert
Hogan, Michael
Holland, Sir William Henry
Holt, Richard Durning
Horniman, Emslie John
Howard, Hon. Geoffrey
Hyde, Clarendon
Idris, T. H. W.
Illingworth, Percy H.
Jardine, Sir J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jowett, F. W.
Joyce, Michael
Kearley, Hudson E.
Kekewich, Sir George
Kennedy, Vincent Paul
Kilbride, Denis
Kng, Alfred John (Knutsford)
Laidlaw, Robert
Lambert, George
Lamont, Norman
Lardner, James Carrige Rushe
Lea, Hugh Cecil (St.Pancras,E.
Levy, Sir Maurice
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lough, Tamas
Lundon, W.
Lupton, Arnold
Lyell, Charles Henry
Macdonald,J.M.(FalkirkBg'hs)
Mackarness, Frederic C.
Macnamara, Dr. Thomas J.
MacNeill, John Gordon Swift
MacVeagh, Jeremiah (Down, S.
MacVeigh, Carles (Donegal, E.)
M'Crae, George
M'Hugh, Patrick A.
M'Kean, John
M'Kenna, Rt. Hon. Reginald
M'Killop, W.
M'Laren, H. D. (Stafford, W.)
Maddison, Frederick
Manfield, Harry (Northants)
Markham, Arthur Basil
Marks,G.Croydon (Launceston)
Marnham, F. J.
Massie, J.
Meehan, Patrick A.
Menzies, Walter
Micklem, Nathaniel
Molteno, Percy Alport
Money, L. G. Chiozza
Montagu, E. S.
Mooney, J. J.
Morgan, G. Hay (Cornwall)
Morgan, J. Lloyd (Carmarthen)
Morrell, Philip
Morse, L. L.
Morton, Alpheus Cleophas
Muldoon, John
Murphy, John (Kerry, East)
Murphy, N. J. (Kilkenny, S.)
Myer, Horatio
Napier, T. B.
Nicholls, George
Nicholson,CharlesN.(Doncast'r
Nolan, Joseph
Nuttall, Harry
O'Brien,Kendal(TipperaryMid)
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Connor, T. P. (Liverpool)
O'Doherty, Philip
O'Donnell, C. J. (Walworth)
O'Grady, J.
O'Kelly, James (Roscommon,N
O'Shee, James John
Parker, James (Halifax)
Paulton, James Mellor
Pearce, Robert (Staffs. Leek)
Pearce, William (Limehouse)
Pearson,W.H.M. (Suffolk,Eye)
Pirie, Duncan V.
Power, Patrick Joseph
Price, C. E. (Edinb'gh, Central)
Pullar, Sir Robert
Radford, G. H.
Rainy, A. Rolland
Rea, Russell (Gloucester)
Reddy, M.
Redmond, John E. (Waterford)
Redmond, William (Clare)
Richards, whomas (W.Monmth
Richards, T. F.(Wolverh'mpt'n
Rickett, J. Compton
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Robertson,SirG.Scott(Bradf'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Robson, Sir William Snowdon
Rogers, F. E. Newman
Rowlands, J.
Russell, T. W.
Samuel, Herbert L. (Cleveland)
Shaw, Rt. Hon. T. (Hawick B.)
Sheehy, David
Shipman, Dr. John G.
Silcock, Thomas Ball
Sinclair, Rt. Hon. John
Smyth, Thomas F. (Leitrim, S.)
Snowden, P.
Stanley, Albert (Staffs., N.W.)
Stanley, Hn. A. Lyulph (Chesh.
Steadman, W. C.
Stewart, Halley (Greenock)
Strachey, Sir Edward
Strauss, E. A. (Abingdon)
Summerbell, T.
Taylor, John W. (Durham)
Toulmin, George
Trevelyan, Charles Philips
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walsh, Stephen
Walton, Sir John L. (Leeds, S.)
Walton, Joseph (Barnsley)
Ward, John (Stoke upon Trent)
Wardle, George J.
Waring, Walter
Waterlow, D. S.
Wedgwood, Josiah C.
Weir, James Galloway
White, J. D. (Dumbartonshire)
White, Patrick (Meath, North)
Whitehead, Rowland
Whitley, John Henry (Halifax)
Wiles, Thomas
Wilson, Henry J. (York, W.R.)
Wilson, John (Durham, Mid)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Yoxall, James Henry

TELLERS FOR THE NOES—Mr. Whiteley and Mr. J. A. Pease.

MR. COCHRANE on Clause 1 moved to leave out the words "and of each subsequent year," the effect being to confine the making of the new entry in the valuation roll—capital land value—to one year. He said that anyone who had listened to the debate must be convinced that the fewer times these operations had to be gone through in order to add the third column to the valuation roll, the better it would be for Scotland. The Lord Advocate had told them that the object of this Bill was to get certain facts. He submitted that once they had got those facts they did not need to repeat the inquiry every year. Once the facts were obtained that ought to be sufficient for the object they had in view. The right hon. Gentleman had stated that this Bill was required solely for the purpose of obtaining information, and the Solicitor-General had told them that one of its objects was to simplify land transfer, At any rate all would agree that the information should be accurate, but the facts they would obtain under the Bill would obviously be inaccurate. The right hon. Gentleman had taken pains to point out that no rating was to ensue until a Rating Act had been passed, Surely that would be the proper time to renew the valuation. Although the Lord Advocate required all this information, he was not prepared to pay for it out of Government funds. The right hon. Gentleman wished to drink deep at the spring of the unfortunate owner. This expense would fall in many cases on persons who could ill afford to bear it. A large landowner would be perfectly safe, because he had got his factors; but what would happen to the small landowners? A much larger proportion would fall on the small man than upon the large man. As to the question of cost, how was it that no estimate had been placed before the House? Before rushing into this scheme it would only have been proper for the Lord Advocate to have taken some means of ascertaining what the cost was going to be. He concurred with the Leader of the Opposition that the cost to Scotland of the valuation roll would be something like £2,000,000. No attempt appeared to have been made to ascertain the cost. In the county of Aberdeen, including the city of Aberdeen, there were upwards of 92,740 voters on the valuation roll. He wished to know whether the Government could give any estimate of the cost of the surveys which would be necessary when this Bill became law? He ventured to say that an enormous cost would be thrown on the county of Aberdeen. It had been stated that a Glasgow assessor had expressed the opinion that it could all be done for £5,000 or £6,000. Glasgow had made up a register which had already cost £20,000, and there were still 5,000 appeals oustanding against the assessor. Any hon. Member who had had to do with such appeals knew how costly they were. An hon. friend had informed him that one of these appeals cost from £100 to £1,000. This was an expenditure which the Government proposed to put on, not once, but year after year. According to the evidence of Mr. Marwick it would take thirty valuators working six days a week for four and a half years to make a valuation of Edinburgh alone, but an enthusiastic Glasgow assessor had said that after the first valuation had been made the others could be made in five minutes. Could any hon. Member really imagine that valuations made at that rate would not necessarily be the subject of appeal. The Bill said that it was to come into force in respect of Whitsunday, 1909. The Lord Advocate seemed to think that he had made a concession when he altered the date from 1908, but the same difficulty would arise in 1909 as if the measure came into operation in 1908. The only advantage of altering the date would be that the public would have a little more time to become acquainted with the terms of the Bill. When Whitsunday, 1909, came, notices would have to be sent out by the assessors, and as the valuation roll had to be returned by 15th August, all the time available for the making up of the roll would be three months. The assessor retained the valuation roll till 8th September, and then it was transmitted to the county clerk, and the appeals had to be heard by 25th September. That was a totally inadequate time to attend to the appeals which would arise. The voters roll had to be made up between 25th September and 15th October. All this work had to be done by the same assessors at the same time. An impossible task was being thrown upon them. The Association of Assessors said that it would take two years to carry out the work. The Chancellor of the Exchequer had announced through the Lord Advocate that in regard to the expense he would give fair consideration to the cost that might be imposed on the assessors. Did the right hon. Gentleman propose to give fair consideration to the cost that would be imposed on the owners as well? These costs would be of an extremely onerous character. It had been suggested that we ought to copy the New Zealand system, but he would point out that the valuation there was not made annually. It could not be made at a less interval than two years. Why should the valuation roll be revised every year in the case of unfortunate Scotland? What

Mr. Cochrane.

changes did the right hon. Gentleman expect to take place from year to year? He admitted that probably a change of Government would increase the capital value of land in Scotland. The legislation of the present Government had had a most depressing effect on feu duties. At one time they were absolutely unsaleable, and it was only after the intervention of the Chancellor of the Exchequer and the Prime Minister that it was possible in Glasgow to sell feu duties at any price at all. Enormous difficulty would be experienced by the owners and occupiers who desired to carry out their duties in regard to valuations. Whit Sunday was the common period at which properties were handed over when sales took place. There would be a valuation placed on the roll in respect of a property at that date, but under the scheme of the Lord Advocate the new owner would be responsible for the accuracy of the valuation, and he would be liable to a penalty of £50 for an inaccurate valuation. That would throw an unnecessary burden on the individual. Once the valuation had been given that should be sufficient for all reasonable purposes. In Glasgow, for example, there would be complicated issues at stake and it would be three or four years before the valuation column could be made at all accurate. There were small counties in which it might be done in a year. Power was given in the Bill to delay in certain cases, but where that power was not applied this valuation would be made from year to year at great cost. He submitted that the object the Government desired would be served if one valuation was made, and that then from time to time as it became necessary a revision could be made by Order in Council. His desire was not to put the country to the expense and inconvenience every year of the preparation of a valuation roll. He hoped the reasonableness of his proposal would appeal to the Lord Advocate. He begged to move.

Amendment proposed—

"In page 1, line 6, to leave out the words 'and of each subsequent year.'"—(*Mr. Cochrane.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

*Mr. THOMAS SHAW said he was sorry that the Government did not see its way to accept the proposal of the hon. Gentleman. The House had already settled that there should be a valuation roll made up for the first year, viz., the year beginning Whit Sunday, 1909. That being so, and if by universal admission, the expense, of which so much had just been made, would be very largely in excess in the first year of any expense which would be incurred in subsequent years, the deletion of the words "each subsequent year" would be most inadvisable. It was altogether out of the question that in a Bill so fashioned as to adapt itself to the system of the valuation of land in Scotland they should add a column departing from that system which had answered so well for more than fifty years. That was the broad ground on which the Government adhered to the Bill as it stood. He knew that there was a quinquennial system which obtained in London. Such a system had never been, and he hoped would never be, applied to Scotland. The precedent of New Zealand had also been quoted, but when that was set up for the first time in the Colony it was from motives which did not apply in Scotland. The motive of the Government was to dovetail into the Act of 1854, which had by common consent worked so smoothly and effectively, the proposals in the Bill. Calculations of a most fantastic nature had been made as to the enormous expense which would be incurred. The hon. Baronet the Member for Taunton had said that the cost would be £4,000,000, but by way of being very generous he reduced that sum to £2,000,000. An estimate had been made with regard to the cost to Edinburgh and Glasgow. His hon. friend the Member for East Edinburgh had put the cost for that city at £4,000. As a matter of fact it would only cost £2,000. He would throw the £2,000 to his hon. friend, just as he had taken the reduced estimate of the hon. Baronet at £2,000,000. Assume that it would cost Edinburgh and Glasgow £10,000, let them work it out by the rule of three. The valuation of Edinburgh and Glasgow amounted to £8,000,000 per annum. The cost of valuation which the hon. Baronet would reach on his estimate, would be £160,000. The people on the spot, the most skilled valuers in the United Kingdom, told them that that was a most fantastic statement, that the cost of valuation of the land in Edinburgh and Glasgow would be £10,000 and that a figure of £160,000 was sheer nonsense.

*SIR E. BOYLE: The assessors are not valuers.

*MR. THOMAS SHAW said that his experience, both as arbitrator and as counsel, in the course of a long professional life showed him that the assessors were most skilled valuers. This matter of expense did not terrify them in Scotland at all. The valuation, though it might appear large for the first year, would be taken advantage of each subsequent year, and the expense would consequently be diminished. He asked the House not to sterilise the Bill by accepting the Amendment. What they wanted to get at was the valuation each year showing any increment or decrement. In ninety-nine cases out of a hundred the value would be repeated and the assessor would say that he saw no change in the value.

MR. A. J. BALFOUR said that the hon. and learned Gentleman asked them not to sterilise his Bill by accepting the Amendment. He failed to see from the explanation given by the Lord Advocate that the Amendment, if carried, would do the least harm. If the object of the Government was what they had told the House, to get some notion of what the value of the land in Scotland was for the purpose of guiding them in future legislation, then he thought that one valuation would be enough, and there could be no object in an annual valuation. If the Bill was to have some operative character and the information obtained was to be purely academic, for which, however, the proprietors of Scotland would be asked to pay, then the experiment should be made as cheap as possible. He agreed with the right hon. and learned Gentleman that the cost in the valuation in the subsequent years would not be as great as in the first year, but he did not agree with him as to the cost of the first year. On the contrary, he thought that the right. hon. and learned Gentleman had greatly underrated it, and that he was wrong when he stated that the amount of the expense to the individual proprietors would be negligible, It would involve landed proprietors going through all the accounts of their estates for more than twenty years to see when certain improvements had commenced, and there would require to be continual revision of the valuation. That could not be done without some cost, and he earnestly suggested that all the information required could be obtained if he and his successors were content with the valuation for one year.

MR. MITCHELL-THOMSON (Lanarkshire, N.W.) heartily supported the Amendment. What was the object of the Bill? As stated by the Chancellor of the Exchequer, the Bill was introduced in order to collect statistics merely for the pleasure of collecting them, but obviously the object was to obtain figures which would justify the imposition of a rate. In Committee they could get no information as to the nature of the rate, and when the Lord Advocate first introduced the Bill he indicated that was a fishing and exploring measure in order to see whether legislation could be introduced. The Government under this Bill were not going to impose any rate, and before they did so they must introduce another Bill. Meanwhile what did this Amendment suggest? The Amendment was that when they had got that information they should stop and consider whether they should go on, and if it was found possible to bring in a rating Bill they should do so. But what was the position of the right hon. Gentleman? It was that this valuation should be made every year, a proceeding which would be most unfair. Let them take the case of two adjacent counties, Peebles and Lanark. Peebles was a small county and was likely to finish its valuation quickly, while Lanarkshire being a large county, the work in it would take a longer time. What would be the result? Lanarkshire would probably make one valuation, while Peebles, the work being lighter, would make two, three, or four. The result would be not to give the right hon. Gentleman any valuation which he could go upon in founding a rating Bill, because the dates of the valuations would vary.

If the right hon. Gentleman said that after the first valuation was made the process should be annual, there might be something to be said for the proposal, but there was nothing to be said for a suggestion that while one county was to make half a dozen valuations other counties were to only make one. The right hon. Gentleman had been pleased to say that the estimate of the Leader of the Opposition that this valuation would cost £2,000,000 was a fantastic figure, and that for the City of Glasgow the cost would be from £6,000 to £8,000. What he wanted to ask the House was to consider whether, when they were making an estimate, it was not a fair basis to take ¼ per cent. to ½ per cent. as the cost of the valuation; and if they did so the estimate of £6,000 to £8,000 was totally inadequate. The annual rental of Glasgow was £5,750,000. Taking the capitalised value of that not at twenty years purchase, but at only fifteen years, would give them a capital value of £86,000,000. The remuneration of £6,000 or £8,000 to those who had to make the valuation of that amount of property would work out at 160th of one per cent. Was that reasonable? The right hon. Gentleman would not venture to offer such a rate of remuneration to any assessor, or if he did he would hear a very strong opinion from the assessor in question. He asked whether there was any precedent—he knew of none—for making valuations apart from rating an annual obligation. He therefore suggested to the right hon. Gentleman, as this was simply a Bill for inquiry on which to base future legislation, provision should be made safeguarding those counties which had got through their valuations quickly from being compelled to go on making valuations until those counties which had moved more slowly and less skilfully had completed theirs.

*SIR E. BOYLE said that as he understood it, these assessors were not to be professional men, and yet they were the gentlemen who would have to work out one of the most difficult calculations that it was possible to think of. They had not only the superficial area of the land to deal with, but the mineral and other values which pertained to it. If the Lord Advocate thoroughly believed in the proposal which he had brought forward and thought the expenses would be only the amount which he had indicated, why not say in the Bill that the cost should not exceed £6,000, £8,000, £10,000, or even £100,000, because he was sure the last-named figure mentioned would not cover the cost. The whole virtue of the valuation depended upon the man who made it, and if these valuations were to be made not by experts but by novices who were unacquainted with the work so far as capital and rental values were concerned, their estimates would not be worth the paper upon which they were written.

SIR F. BANBURY (City of London) hoped that the Chancellor of the Exchequer would receive favourably the suggestion that the Treasury should bear some of the cost about which they were hearing such varying statements. Leaving out the question of necessity and for this purpose admitting that it was necessary to make such a valuation, it seemed to him unreasonable that it should be made every year. His hon. friend the Member for Lanark had advanced unanswerable arguments as to one county making the valuation more quickly than another, and had therefore demonstrated that it was unreasonable to have this valuation every year. What good did the Lord Advocate think was going to come from this annual valuation? He quite agreed that the valuation should be made at recurrent periods, but he did not see why it should be annual. In London we had a quinquennial valuation, but in country districts and other large towns the valuation was not made so frequently. If the Lord Advocate had proposed a quinquennial valuation he did not know that he would have had much to say against it, but he did not see the necessity for an annual valuation. Did the right hon. Gentleman think that property in Glasgow was going to fluctuate appreciably every year? He did not think that that would be the case, and he trusted it would not be, in spite of the extraordinary legislation which was going to be tried upon that city. Evidently the fluctuations could not be very great, and even the unearned increment of which they heard so much would take some years to accrue. As to the question of expense, he altogether failed to grasp the argument of the right hon. Gentleman, and he thought that his statement of £6,000 or £8,000 could not be made seriously. The Lord Advocate seemed to have omitted altogether the consideration that the people whose property was going to be valued had already made some valuation on their own behalf and might or might not accept the valuation of the assessor. It was inevitable that an expert must be called in and that a considerable expense would be entailed on that account; because if the unfortunate man sent in an inaccurate valuation and the Corporation asked on what it was founded, and he said it was a guess, they would not accept it, and he would have to employ an expert in order that the valuation should be founded on a proper basis. He agreed that the work would not be so difficult the second year. If it was necessary to include a fixed date he hoped the Lord Advocate would make it a longer period than a year.

*Mr. R. PEARCE (Staffordshire, Leek) said having had considerable experience in the valuation of property, he might be able to throw some light on this matter. The annual assessment was an absolute necessity. During the last thirty years, the property in Cripplegate Without had grown in annual value from £70,000 to £230,000. During the whole of that period the annual valuations for rating purposes had passed under his hand. The revision of assessments and valuations took place every year and the quinquennial assessments had been arrived at from the annual valuations. The rental value of the property in that district being £230,000, the capital value might be put at £4,000,000, and during the whole thirty years, all the valuations, including the quinquennial revisions, had only cost £200 a year, or less than a hundred and sixtieth of the 1 per cent. which had been spoken of as an impossible figure. He himself would be glad to undertake the valuation of the whole of Scotland at that impossible figure, and would guarantee that it would be properly done. If it was done annually, it was a comparatively easy thing to do.

Mr. YOUNGER pointed out that in this case they would have to make a hypothetical situation. They would have to divest the site of its building and value it not for the purposes of the building upon it, but for the purposes of the building which the assessor thought ought to be upon it. Under such conditions it was obvious that the valuation would have to be much more carefully made, and would take a much greater time.

Mr. SALTER (Hampshire, Basingstoke) said it appeared to him that those who opposed this Amendment lost sight of the fact that there was no precedent for going to the expense of a valuation of land without the intention of making immediate and practical use of the information obtained. It was proposed in this case to make a valuation of the capital value of the land of Scotland, first, for the purpose of determining whether or not it was expedient or judicious to base fresh taxation, Imperial or local, on the information obtained, and secondly, to base the taxation on the figures obtained. For the second purpose he admitted that the information must be substantially accurate, but for the purpose for which this information alone was sought, rough general information was sufficient. To decide whether or not it was expedient, judicious, or just to impose fresh taxation of the kind suggested, it was not necessary to know the exact value of the land; an approximate estimate would be sufficient. No one could deny that the cost of the annual revision would be considerable, and it appeared to him, having regard to the purpose for which the valuation was wanted, that the cost of the annual revision would be a waste of money.

Question put.

The House divided:—Ayes, 238; Noes, 51. (Division List No. 439).

AYES.

Abraham, William (Cork, N.E.)
Adkins, W. Ryland D.
Ainsworth, John Stirling
Baker, Sir John (Portsmouth)
Baker, Joseph A. (Finsbury, E.
Balfour, Robert (Lanark)
Barlow, Sir John E. (Somerset)
Barnes, G. N.
Barry, Redmond J. (Tyrone, N.
Beaumont, Hon. Hubert
Bell, Richard
Benn, W.(T'w'rHamlets,S.Geo.
Berridge, T. H. D.
Bethell, Sir J. H. (Essex, Romf'rd
Bethell, T. R. (Essex, Maldon)
Birrell, Rt. Hon. Augustine
Boland, John
Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Brodie, H. C.
Brunner, J. F. L. (Lancs., Leigh)
Buchanan, Thomas Ryburn
Burns, Rt. Hon. John
Buxton, Rt. Hn. Sydney Charles
Byles, William Pollard
Carr-Gomm, H. W.
Causton, RtHnRichard Knight
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Clarke, C. Goddard (Peckham)
Cleland, J. W.
Clough, William
Clynes, J. R.
Collins, Stephen (Lambeth)
Collins, Sir W. J. (S. Pancras, W.)
Condon, Thomas Joseph
Corbett, C. H. (Sussex, E. Grinst'd
Cowan, W. H.
Craig, Herbert J. (Tynemouth)
Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Cullinan, J.
Curran, Peter Francis
Davies, Timothy (Fulham)
Delany, William
Dewar, Arthur (Edinburgh, S.)
Dickinson, W.H. (St. Pancras, N
Dickson-Poynder, Sir John P.
Donelan, Captain A.
Duckworth, James
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Everett, R. Lacey
Farrell, James Patrick
Fenwick, Charles
Ferens, T. R.
Ferguson, R. C. Munro
Ffrench, Peter
Findlay, Alexander
Flavin, Michael Joseph
Fuller, John Michael F.
Gibb, James (Harrow)
Gill, A. H.
Ginnell, L.
Gladstone, Rt. Hn. Herbert John
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Grey, Rt. Hon. Sir Edward
Gulland, John W.
Gurdon, RtHnSirW. Brampton
Gwynn, Stephen Lucius
Halpin, J.
Hammond, John
Harcourt, Rt. Hon Lewis
Harvey, W.E.(DerbyshireN.E.
Haworth, Arthur A.
Hazel, Dr. A. E.
Hazleton, Richard
Healy, Timothy Michael
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Henry, Charles S.
Higham, John Sharp
Hobart, Sir Robert
Hogan, Michael
Holland, Sir William Henry
Holt, Richard Durning
Horniman, Emslie John
Howard, Hon. Geoffrey
Hyde, Clarendon
Idris, T. H. W.
Illingworth, Percy H.
Jardine, Sir J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jowett, F. W.
Joyce, Michael
Kearley, Hudson E.
Kennedy, Vincent Paul
Kilbride, Denis
Laidlaw, Robert
Lambert, George
Lamont, Norman
Lardner, James Carrige Rushe
Lehmann, R. C.
Lever, A. Levy (Essex, Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lough, Thomas
Lundon, W.
Lupton, Arnold
Lyell, Charles Henry
Macdonald, J. M. (Falkirk B'hs)
Macnamara, Dr. Thomas J.
MacNeill, John Gordon Swift
MacVeagh, Jeremiah (Down, S.
MacVeigh, Charles (Donegal, E.
M'Callum, John M.
M'Crae, George
M'Hugh, Patrick A.
M'Kenna, Rt. Hon. Reginald
M'Laren, H. D. (Stafford, W.)
Maddison, Frederick
Manfield, Harry (Northants)
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Marnham, F. J.
Massie, J.
Meehan, Patrick A.
Menzies, Walter
Micklem, Nathaniel
Molteno, Percy Alport
Money, L. G. Chiozza
Montagu, E. S.
Morgan, G. Hay (Cornwall)
Morse, L. L.
Morton, Alpheus Cleophas
Muldoon, John
Murphy, John (Kerry, East)
Murphy, N. J. (Kilkenny, S.)
Myer, Horatio
Napier, T. B.
Nicholls, George
Nicholson, Charles N. (Doncast'r
Nolan, Joseph
Nuttall, Harry
O'Brien, Kendal (Tipperary Mid.
O'Connor, T. P. (Liverpool)
O'Doherty, Philip
O'Donnell, C. J. (Walworth)
O'Grady, J.
O'Kelly, James (Roscommon, N
O'Malley, William
O'Shee, James John
Parker, James (Halifax)
Pearce, Robert (Staffs. Leek)
Pearce, William (Limehouse)
Pearson, W. H. M. (Suffolk, Eye)
Pirie, Duncan V.
Power, Patrick Joseph
Price, C. E. (Edinb'gh, Central)
Pullar, Sir Robert
Radford, G. H.
Rainy, A. Rolland
Rea, Russell (Gloucester)
Rea, Walter Russell (Scarboro'
Reddy, M.
Redmond, William (Clare)
Richards, Thomas (W. Monm'th
Richards, T. F. (Wolverh'mpt'n
Rickett, J. Compton
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott (Bradf'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Robson, Sir William Snowdon
Rogers, F. E. Newman
Rowlands, J.
Runciman, Walter
Russell, T. W.
Samuel, Herbert L. (Cleveland)
Seely, Colonel
Shaw, Rt. Hon. T. (Hawick B.)
Sheehy, David
Sherwell, Arthur James
Shipman, Dr. John G.
Silcock, Thomas Ball
Sinclair, Rt. Hon. John
Smyth, Thomas F. (Leitrim, S.)
Snowden, P.
Stanley, Albert (Staffs., N. W.)
Stanley, Hn. A. Lyulph (Chesh.)
Steadman, W. C.
Stewart, Halley (Greenock)
Strachey, Sir Edward
Strauss, E. A. (Abingdon)
Summerbell, T.
Taylor, John W. (Durham)

Thompson,J.W.H.(Somerset,E
Toulmin, George
Trevelyan, Charles Philips
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walsh, Stephen
Walters, John Tudor
Walton, Joseph (Barnsley)
Ward, John (Stoke upon Trent
Wardle, George J.
Waring, Walter
Waterlow, D. S.
Wedgwood, Josiah C.
Weir, James Galloway
White, J. D. (Dumbartonshire)
White, Patrick (Meath, North)
Whitehead, Rowland
Whitley,John Henry (Halifax)
Wiles, Thomas
Wilson, Henry J.(York, W.R.)
Wilson, John (Durham, Mid)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Yoxall, James Henry

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Ashley, W. W.
Balcarres, Lord
Balfour,RtHn.A.J.(CityLond.)
Banbury,Sir Frederick George
Barrie,H.T. (Londonderry, N.)
Beach,Hn.MichaelHughHicks
Bertram, Julius
Boyle, Sir Edward
Bull, Sir William James
Campbell, Rt. Hon. J. H. M.
Carlile, E Hildred
Cave, George
Cavendish,Rt.Hon.VictorC.W.
Cecil, Lord John P. Joicey-
Cecil,Lord R. (Marylebone, E.)
Chamberlain,RtHn.J.A.(Worc.
Coates,E.Feetham(Lewisham)
Cochrane, Hon. Thos. H. A. E.
Collings,Rt.Hn.J.(Birmingh'm)
Courthope, G. Loyd
Craig,CharlesCurtis(Antrim.S.)
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey
Fell, Arthur
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Gretton, John
Hamilton, Marquess of
Harris, Frederick Leverton
Hay, Hon. Claude George
Hills, J. W.
Hunt, Rowland
Kennaway,Rt.Hon.SirJohnH.
Law,Andrew Bonar (Dulwich)
Long,Rt.Hn.Walter(Dublin,S)
Magnus, Sir Philip
Parkes, Ebenezer
Pease,HerbertPike(Darlington
Rawlinson,JohnFrederickPeel
Remnant, James Farquharson
Roberts,S.(Sheffield, Ecclesall)
Ronaldshay, Earl of
Salter, Arthur Clavell
Sloan, Thomas Henry
Staveley-Hill, Henry (Staff'sh.
Talbot, Lord E. (Chichester)
Thomson,W.Mitchell-(Lanark)
Younger, George

TELLERS FOR THE NOES—Sir Alexander Acland-Hood and Viscount Valentia.

MR. A. J. BALFOUR, in moving an Amendment to limit the operation of the clause to burghs, said the Amendment was one which he would have thought the Government would find no difficulty in accepting. The question of the taxation of ground values in towns had long excited much interest, and it had been dealt with in many different ways. As far as he knew, the Government suggested that the same system should be adopted with regard to agricultural land as was adopted in towns. There had been inquiries into the land system in the towns, there had been Commissions and Committees of Inquiry, but so far as he was aware it had never been suggested that the policy which might seem possible and advisable in towns should be applied equally to agricultural districts. No reason had yet been given by any member of the Government for this new and singular innovation, that methods adopted with regard to urban areas should be extended to other areas of a wholly different character, and governed by very different economic considerations. He wondered whether it was a mere love of doctrinaire uniformity. Otherwise, what was their reason? Nobody for a moment supposed that the bare, unimproved agricultural land of this country was going to be a mine of wealth. He could understand, though he did not agree, that the land of our great towns was regarded as an untaxed source of revenue which might come to the relief of overburdened ratepayers; but no human being had ever for a moment dreamt that in the unimproved value of any agricultural district there was a mine of wealth. The only doubt was whether, if they suddenly cleared land on which a great deal of money had been spent and left it derelict, it would be worth anyone's while to make any improvements upon it at all. If that were true, and he did not think anyone would deny its truth, the idea that there was any financial gold mine in agricultural land was wholly absurd. Then in the case of agricultural land they were asking the owners to answer a perfectly absurd question. They were putting to them a conundrum as to the value of unimproved land to which he believed there was no rational answer at all. When he suggested that point to friends of his, they replied that a valuer could always be got to value anything they liked. Let them ask a valuer to put a value on anything in the world and, of course, he would put it. If a man's trade was to give an opinion for money he would give an opinion for money on whatever question they chose to ask him. But they had no right to ask him, through any owner of land, to answer a question to which there was no rational reply whatever. It should be remembered that when they were dealing with a bare, neglected site in a town they were dealing with a thing which came into the market every day in the week. Everyone knew that where a house had been pulled down there was a site of which they might estimate the value, and the difficulty which was experienced in regard to agricultural land did not arise. No one had ever seen the arable tracts in Argyllshire and Fifeshire in the unimproved condition which might be hypothetically supposed; and they were, therefore, asking first the owner, and then the valuer, to make a hypothetical judgment on a subject on which they had, from experience, no means of gaining any information whatever. He would very much like to know how the Government themselves thought the valuation ought to be carried out. He was not now thinking of the valuer who was obliged to give an opinion for money. He was asking the right hon. and learned Gentleman how he would proceed to value the bare soil of a Fifeshire arable farm. The Government themselves did not believe in their own theory, for in this Bill, as originally brought in, there was no bare agricultural value; on the contrary, everything was included — draining, fencing, plantations, water supply and other things. How that matter stood now he did not know. The Government made some Amendments in Committee, but whether those Amendments went the full length of clearing the land in imagination of everything upon it, he was not aware. He rather doubted it. He thought simpler language ought to have been used if the Government really meant what they said in regard to the land which was to be subject to this land value system. They had a great many qualifications in the third clause, but he did not know whether they covered all improvements. It was possible to draft a subsection in the third clause in such a way as to apply to what they had said in all their speeches they meant, namely, the absolute and unimproved value of the land. The problem in the country was quite different from the problem in the town in this respect. The value of sites in towns was according to the best kind of buildings which could be put upon them, and one of the objects of this Bill, according to the learned Solicitor-General for Scotland and the Lord Advocate also, was to induce people who owned houses in towns on sites where better buildings could be erected, to pull down those houses and erect those better buildings. But the view of the Lord Advocate and the Government was that the man who was not putting on the ground that he owned in the town the most vaulable building suitable to that site, was so far robbing the public of some wealth that ought to belong to it. He did not argue that proposition now, but he thought it plainly inapplicable to the country districts. There was a vital difference in the state of things in the country. He did not know on what principle the Government meant the valuers to proceed, but at all events, nobody wished to have buildings put on a farm which would leave the land of no value at all. They had to consider for what sum they could replace all the buildings, drains, hedges, and other things, and allow interest on that sum in order to get at the unimproved value of the soil. If they were not going to take the farm as equipped, including the cost of equipment, what other principle were they going to adopt? There was plenty of unimproved land, and they knew what grew upon it, but in the case of the rich land they never saw what grew upon it, and it was ludicrous to ask the House to base a system of valuation upon this remote and unfounded hypothesis. He wished to know what view the Government took as to the effect of the Bill on their own scheme. Hon. Members opposite talked as if the Bill was in thorough harmony with previous legislative proposals dealing with the crofters. It was clear that if the Bill passed it would have a disastrous effect on the crofters. The crofter improvements, which now escaped taxation altogether, would cease to do so. It appeared to him that the

Government were indirectly raising a question which, when thoroughly understood, would produce in the crofting counties a very startling effect as to the genuineness of the Government's desire to help the struggling population in those parts of the Highlands. He was at a loss to understand why the Government had taken so many unnecessary difficulties upon their shoulders. They had brought upon themselves all the difficulties of their scheme in connection with agricultural land, and deprived themselves of all the advantages to be hoped from it in those places which were already built over or likely to be built over in the next few years. He thought they would do well to lighten the series of strange proposals they were putting before the House.

Amendment proposed—

"In page 1, line 7, to leave out the words 'county and.'"—(*Mr. A. J. Balfour.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

*Mr. THOMAS SHAW did not think the case which had been raised by the right hon. Gentleman would arise under the proposals of the Bill. He totally differed from the view presented as to the distinction between the town and the country cases. He quite acknowledged that short as the Amendment was it raised a serious question of principle, and he wished to deal with it in a proper spirit. The right hon. Gentleman was wrong in his first proposition that this proposal was being made by the Government without any consideration of the problem. The Bills which had dealt with this topic in the House of Commons in the past had been confined to urban areas, but in view of the overwhelming vote in the House of Commons last year it was necessary to remit the whole of the question to a Select Committee. The right hon. Gentleman would quite understand that he was not going into certain matters contained in the body of that Report, but it was only right that he should refer to the particular recommendation which bore upon the point raised in the Amendment. The recommendation laid down that the moment they confined the operation of a principle of this kind to urban areas they would find themselves, as it were, at the dividing line between burgh and county, and they would meet cases of such extreme difficulty that the only way to ease the situation was to make a uniform system. The second recommendation was that a measure should be introduced making provision for a valuation of land in the burghs and counties of Scotland apart from the buildings and improvements upon it, and that no assessment should be determined upon until the amount of that valuation was known and considered. He had gone to this length to show that it was a mistake to suggest that no inquiry had been made upon the subject, it had been a matter of the most anxious inquiry. One of the advantages of the Bill was that at all events it would show all investigators of the subject and all local authorities exactly how the balance of valuation stood. He agreed that it was extremely important that they should proceed upon prudent lines before assessing for taxation. The scheme would not produce a new gold mine, but it would effect a certain readjustment. He did not wish to pose as a prophet, but one could not study this problem for a long period of years without feeling that the readjustment would enure to the advantage of the *bona-fide* agricultural proprietor in Scotland. If the scheme of this Bill was carried out all those improvements effected upon purely agricultural properties would henceforth be improvements with regard to which the *bona fide* owner would know that he would not be penalised by taxation. In the county area the man who would be relieved would be the *bona-fide* agricultural holder, and the man who would be hit would be the land speculator who bought in the county area land which was in the ambit of a town. The effect would be that instantaneous relief would be given to the class of ratepayers in Scotland whom he called the *bona-fide* landowners. To the extent to which the speculators would be hit others would be relieved, and therefore, in the respect which he had indicated, the benefit in country districts would be of the greatest kind. He had thought it necessary to give that explanation, because there seemed to be a misapprehension on the subject. Of course, the Government had no wish to discourage building. They wished to encourage all kinds of improvements upon property, and the best of all inducements to make such expenditure would be the consciousness that people would not be penalised for making improvements. The right hon. Gentleman was very anxious to get an opinion from him without a fee. When a question of that kind was asked he always remembered what the late Lord Young said, "Whenever you get the opinion of counsel for nothing, it is worth just exactly what you pay for it." Accordingly he was not going to enter into that barren country. If the valuation were to be done by a skilled witness he would not attach much importance to it, but when the first step was to be taken by the proprietor himself, he thought that was a good starting fact. The exclusion of every county in Scotland under the proposal of the right hon. Gentleman would mean a very great deal even on the site value basis, the cogency of which was admitted. The exclusion of the county areas would be the exclusion at one swoop of all those acute cases of suburban areas which had really provoked this question year after year, and made it become a great issue of State. Then there was the case of villages and the land surrounding them. Sometimes most extraordinary examples were given of how great was the value of land in the estimation of the proprietor. One case which he had in his mind affected a burgh where a riparian owner compelled the burgh to purify a river. The burgh could only purify the river by obtaining land for filtration purposes from the very proprietor who compelled the carrying out of the purification works. The burgh had to pay an enormous price for the land; he could not say how much it was in excess of what might be regarded as its real value. If the Amendment were carried, suburban land would be excluded from the operation of the Bill, and serious cases would slip through. Under the law of Scotland there was a far more acute case than any which had been mentioned. The right hon. Gentleman did not seem to be aware that all the police burghs of Scotland, which represented the modern side of urban energy in country places, and which did not send or contribute to sending a Member to Parliament, were for valuation purposes reckoned in the county. Therefore, under the Amendment there would be excluded not only suburban land, village land, and the land surrounding villages, but actually the police burghs to which he referred.

MR. YOUNGER said that no evidence was laid before the Select Committee last year in regard to the inclusion of county areas. The evidence dealt entirely with urban areas, and the conclusion come to by the majority was forced on the Committee without their having an opportunity of hearing evidence or being told on what facts the Committee proceeded. The hon. and learned Gentleman had avoided all reference to the great difficulty of valuing sites in the country. The third clause defined "improvements." He thought the clause now before the House would be improved by the adoption of the Amendment. It was extremely difficult in valuing land to divorce it from improvements in the way the Bill suggested. An extremely difficult task was placed on the assessors and little guidance was given to them as to how they were to perform their duty in allowing for improvements. During the debates in the Committee he understood the Lord Advocate to promise that he would prepare some directions for the assessors. He did not know whether the directions were to be incorporated in the Bill or whether they were to be issued in another form. The House was in entire ignorance on that matter, but much of the success of the assessors in making the valuations would depend on the directions. There was, for example, the difficult question of minerals which lay beneath properties. Who was to make the return in that case? Was it the man who owned the *solum* and not the minerals. Similar problems arose in regard to fishing and shooting rights, and no direction was given in the Bill to help towards a solution. Hon. Members were aware that in Scotland, and he presumed the same thing occurred in England, as soon as suburban land became building land, the boundaries were so adjusted at the instance of the town council as to include the land which was ripe for building purposes. That suburban land, therefore, would come within the four corners of the Bill. The Lord Advocate claimed that he was proceeding on prudent lines, but he could not agree with him. If the right hon. and learned Gentleman had begun by confining the Bill to urban areas he would have been proceeding on prudent lines, but when he included the mountains and glens and asked that a land value should be placed upon them, he thought that the lines were not particularly prudent. He concurred with what had been said by the Leader of the Opposition as to the difficulty which would arise under the Bill in relation to the valuation of holdings occupied by crofters. The result would be that on such land the value would remain, but on ordinary farms the cost of the equipment was so great that the land value would disappear altogether. If this Bill were carried out to its logical result, certain proprietors would pay no rates at all, while the crofters would pay four or five times their present rate. Therefore, instead of a boon being given to the new small landowner and the wretched crofters, they would be in a very much worse position under the new than under the old system. The right hon. and learned Gentleman had given an instance of a sewage farm near Edinburgh; but the price paid there was paid in respect of the diminution in value of the neighbouring land. Nobody was likely to build a house near a sewage farm. Another case quoted by the Lord Advocate was Rosyth, but everybody knew that Lord Linlithgow and his predecessors had paid a fancy price for the land there, in order to maintain the amenity of Hopetoun House, and he was entitled to have that taken into account in the valuation. Another case quoted was that of the gas-works at Granton. Anything more hideous than the erections there could not be conceived. He himself had lived within an area of ten or twelve miles from the gas-works, and they were an eyesore to him, while they had spoiled the land for feuing purposes. Therefore the Duke of Buccleuch was entitled to receive a large price for that land. He did not suppose that the Lord Advocate would change his mind on this subject; his mind was obsessed with this idea of land values. He was glad to hear the right hon. and learned Gentleman admit that there was not a gold mine in the business; but on the other hand he thought that having respect to the future, while the Bill might reduce the present value of building land, at any rate it would not produce a very large sum in additional rates. He was very sorry that the Lord Advocate still adhered to his determination to refuse to accept the Amendment. He thought that the chances were that the Bill would extend the principle of the valuation of the land values to where valuation was difficult, especially when no proper line had been laid down for the direction of the assessor.

*MR. BARRIE (Londonderry, N.) said he desired to support the Amendment. The Bill was not originally intended to include county areas, but to confine its operations to towns and cities. The reason for the admission by the Lord Advocate that he did not expect the Bill would prove a gold mine was that the Prime Minister had resolutely refused to include existing feus and contracts within its scope. Another reason why the Amendment should be accepted was that there was ample undeveloped land available to test the new basis of valuation proposed to be set up. He had listened with considerable astonishment to the Lord Advocate when he said that this measure would be a benefit to agricultural property. He utterly failed to appreciate that suggestion. His belief was that where they had land used for farming purposes within the hypothetical building zone, the operation of the new valuation would be in the highest degree detrimental to agriculture. He knew of a considerable estate which had been bought in the hope that it would turn out of some value as a building property. For many years it was occupied as a purely agricultural holding, and in the course of time a few villa sites were taken off the property, but owing to the demand for such sites not continuing, and to the demand extending to other suburbs, the value of that estate had never increased. To-day it had nothing but a purely agricultural value. No doubt, that was a contention which would be disputed by the assessor, because that particular property lay within five miles of the largest city in Scotland. It was a moral certainty that the assessor would insist on adding a hypothetical "building" value to the agricultural one. That was an illustration of the fallacy that this this Bill would be of value to the agricultural community. The Lord Advocate went on to deal with the building speculator. He wondered if the right hon. and learned Gentleman was acquainted with the broad facts of the present position of the city of Glasgow. He found from a Return recently issued that the area available for building amounted to 8,786 acres. Deducting for public spaces, streets, etc., 4,000 acres, there remained available for building purposes over 4,600 acres. These figures were brought out before the Select Committee, of which he was a member. The city assessor of Glasgow stated to the same Committee that at the present moment there were within the city boundaries 3,600 acres of agricultural land, and that the average amount of land called for annually for building purposes was only 60 acres. A very elementary calculation showed that within the city boundaries there was a sufficient acreage to satisfy the demand for building purposes for sixty years. He felt that on the whole, until they had more evidence of a demand for legislation of this kind from elsewhere than the city of Glasgow and the county of Lanark, the Lord Advocate would be well advised to accept the Amendment of the Leader of the Opposition. He was satisfied that if it had been thoroughly understood that the existing feu-duties were not to be taken within the scope of the Bill they would have had very little demand from any part of Scotland other than Glasgow and Lanarkshire for the measure.

THE SOLICITOR-GENERAL FOR SCOTLAND (Mr. URE, Linlithgow) said that the one and only point was whether a Bill which included the whole area of Scotland should include the counties of Scotland or whether they should be excluded from its operation and only burghs included. The representatives of the counties who were members of the Committee over which he presided proposed an Amendment confining the operation of the Bill to burghs, but every witness who gave evidence in favour of the Bill was of opinion that if the proposals were going to have any effect at all they must not be confined to burghs but must also be extended to counties. [AN HON. MEMBER: No.] He insisted upon that and for this reason, that he had the evidence before him and he challenged his hon. friend to point to any passage in the evidence of any witness who said that if the proposals of this Bill were passed they should be confined to the burghs. All the evidence was in favour of including the counties as well as the burghs and for this reason: that if the course now proposed were adopted they would be establishing a purely artificial line, because many large areas were included within the counties of Scotland which were purely building areas and which any man visiting the large towns of that country would suppose to be part of those towns. Every witness either for or against the Bill said that if they were to apply the principles contained in this measure they could not as rational men confine them to the burghs but must extend them to the counties, and as he had pointed out that was singularly obvious for the reason that a large portion of the building land and the land ripe for building was outside the burghs in Scotland and was in the counties. He thought it would be obvious to any man who thought for a moment about this matter that to confine the Bill to the boundaries of burghs would be to introduce a difficulty which nothing in the conditions and circumstances of the soil would justify. All the members of the Committee were agreed upon this point, although they differed seriously on other points, that this measure could not be confined to areas around which artificial boundaries were drawn and which did not indicate the use to which the land was to be put. All those who were in favour of the Bill admitted that there was no Eldorado and no gold mine to be found in it, and nobody who really thought on the subject could entertain such an opinion. As had been said by an hon. friend of his, a plot of land never fumbled in his pocket for a coin. It was the owner who had to find the money, and he had never for a single moment denied that what they were in search of here was nothing more nor less than a test of a different standard of rating. What they were seeking was some measure of what the contribution of the ratepayers should be to the rates. Therefore they proposed to secure the valuation of the whole of the land in Scotland, and if they missed out the counties the valuation would be of no use whatever. The hon. Member for North Londonderry had said he did not believe that the Bill would ever have been brought forward or that so large an area would have been included but for the rich plum which was to be found in the taxation of the feu-duties—which were not included in the Bill. A great misapprehension seemed to prevail as to the taxation of feu duties. The difference between himself and his colleagues on this question was easily stated. They proposed to leave the definition of owner in the Act of 1854 untouched. He proposed to extend that definition to include not only the owner who granted a 999 years lease, but the owner who granted a lease in perpetuity. He agreed with the principle of this Bill whole-heartedly, but he certainly wished to carry it further than his colleagues. He believed, however, that public opinion was not ripe in regard to his views, and on this subject he and his colleagues were exactly in the same position now as the Party opposite were in in 1905 in regard to the taxation of food excluding bacon, when their political life was endangered and their political fortunes were in jeopardy through the differences of opinion which prevailed amongst them. All he could say was that without any sacrifice of principle he was ready to give his colleagues his full co-operation with a view to setting up a standard although they did not agree with him in the primary principle to which he adhered. He thought, however, that it was right that the public information on this subject should be extended. He knew perfectly well what the views of his colleagues were when he drafted his Report. They never concealed them. This Bill came before the House four times and on each occasion they expressed their views on the principle and safeguarded themselves from extending its application to feu duties. All he was concerned with at the present moment was the fact that he knew their views, and they never swerved from the views they held at any time. He came to the conclusion he did as Chairman of the Committee after very carefully considering the evidence, and in the speeches he made on the subject, commencing in January of the present year, he preserved a strict silence upon this question, and never opened his mouth during the hearing of the evidence or during the time he was preparing his Report. He delivered those speeches as a member of the Committee and refused to take counsel with the members of the Administration or to speak to any member with regard to the evidence which was being given before the Committee. He was appointed Chairman of the Committee by the usual courtesy which gave the Chairmanship to a member of the Government if he was serving as a member of the Committee, and he would never have continued to hold office if this Bill had been contrary to any view he held on the subject. He, however, only rose to point out that if this Bill was to be operative it was impossible to exclude counties in Scotland where the same conditions prevailed and the same use was made of the land as was made of it in great industrial centres, and that if it was to serve a national purpose such counties could not be excluded from its provisions.

Mr. COCHRANE (Ayrshire, N.) said the House had listened to the explanation of the hon. and learned Gentleman with the greatest interest. He had tried to divest himself of the position he held in the Committee as a member of the Government, and he offered neither excuse nor apology. As a member of the Government he was appointed Chairman of the Committee on whose Report this Bill was to some extent based, and on him devolved the responsibility for calling the witnesses. The hon. and learned Gentleman had stated his point of difference with his colleagues, and he congratulated him upon his courage, which might, however, have been greater if he had taken up the challenge of the Chancellor of the Exchequer, who had said he would never support the principle of the taxation of feu duties. The hon. and learned Gentleman's colleagues proposed to leave the definition of owner in the Act of 1854 untouched, the hon. and learned Gentleman proposed to include in it the owners of feu duties, which was in diametrical opposition to the statement made by the Prime Minister to the deputation which waited upon him on the subject. The hon. and learned Gentleman held those views knowing that they were opposed to the views of his colleagues, yet he ventured to take the Chairmanship of the Committee which was to lay down the rules——

MR. URE : I had formed no view when I took the Chairmanship.

MR. COCHRANE said the facts were patent to the House. A year ago what was called the Glasgow Bill was introduced dealing with the question of land values, and the Lord Advocate said the Government would only permit the Second Reading on the understanding that the feu duties were not to be taxed. Notwithstanding that fact the hon. and learned Gentleman accepted the Chairmanship of the Committee and directed its deliberations in a sense which he knew was contrary to the policy and opinions of his seniors in the Government. He, however, left the hon. and learned Gentleman to fight his own battle with his colleagues. What was the justification of the hon. and learned Gentleman for his Report? It was that the land owed its value to the expenditure, energy, and enterprise of the surrounding community and not to the owner. That justification was obviously intended to deal with the feu duties. Could anybody say that in the crofting districts the value of the land was due to the enterprise of the surrounding community when they could walk for miles without seeing a soul, or could they say it with regard to the moor and heather land? In regard to agricultural land in Scotland the value of it was due to the capital of the landlord and the labour and capital of the tenant. [An HON. MEMBER: And the market.] It was as much due to the foreign market as the home market. Did the hon. Member say that if there were not a foreign market competing the value of the land might not be still greater than it was at the present moment? Then as to unearned increment. He would take the case of a man who had invested money in land in the city of Glasgow, and it had increased in value owing—to what? Owing to the fact that the trade of the city was improved by the trade of foreign countries; by shipping coming up the Clyde, for example, from Australia, Canada, America, and other parts of the world. Trade had come in and had developed the value of the land. Let them take a converse case in Argyllshire, where the man purchased an estate for £7,000. He built a house upon it worth £20,000, and £4,000 for a farm building, and received only £11,000 when he sold the property. Where was the unearned increment? If they were going to tax the man who had made a profitable speculation in the city of Glasgow, what were they going to allow him for the bad speculation which he had made in Argyllshire? If they bought Consols while they were down, with a Radical Government in power, and they went up four or five points when a Unionist Government came into power, were they, on the same basis, to consider that as unearned increment to be handed over to some other person? The whole question of unearned increment to which they attached so much importance seemed to buzz round in the heads of hon. Members opposite, and they quoted with great freedom Minority Reports when they thought those Minority Reports suited their particular view. They quoted the Minority Report of Lord Balfour of Burleigh whenever it suited their purpose, and when it did not they did not quote it. On an earlier Amendment that afternoon the Lord Advocate had quoted the Report of Lord Balfour of Burleigh, but had entirely forgotten to quote that part of the Report in which Lord Balfour of Burleigh said that—

> "It might be well to apply a scheme of option and limit the introduction of it to urban places with a population in excess of a given number."

That argument was directly germane to the Amendment before the House. Lord Balfour of Burleigh, and no less authorities than Sir. G. Murray, Professor Stuart, Mr. J. B. Balfour, and others, in their Report, said that misconception and exaggeration were especially prevalent on this subject. They went on to say that if proper regard were had to equitable considerations the amount capable of being raised by special site value rates would not be large, and there was not much undeveloped source of taxation available for local purposes, and still less for national purposes. And when quoting Lord Balfour of Burleigh he thought that they ought to quote his letter upon this subject of the Report. Lord Balfour said that from the beginning to the end of their Report there would not be found the slightest argument in favour of the Bill as it stood, and still less of those for which it was obviously a preparation. It said—

> "In fact, it omits every one of the conditions to which we attach the greatest importance, and on the faith of which we signed our Report."

He submitted that letter to the Lord Advocate as being the real opinion of Lord Balfour of Burleigh on this Bill. In conclusion, he would say that he was only sorry that the Lord Advocate was not present when the Solicitor-General for Scotland told them of the difference of opinion between him and the right hon. Gentleman. He would not repeat his observations; he only wished that the two hostile forces had both been present on the bench at the same time. Then the Lord Advocate might have delivered his fire into the Solicitor-General. The obvious and only result, so far as he could see, was that the Solicitor-General was absolutely unrepentant; he adhered to his own view. The Lord Advocate, who had stated his view with perfect honesty and freedom, said an existing contract should be maintained. The Solicitor-General hardened his heart to the views of the Prime Minister, who had stated them to a deputation, and also to the views of the Chancellor of the Exchequer, who had endeavoured to reassure public opinion by the statement which he made not many days ago. The Solicitor-General left them to believe that, so far as his opinion was concerned, not only as Chairman of the Select Committee, but in any view of the case in which he was free to assert his opinion, that opinion was diametrically opposed to the opinion of the Chancellor of the Exchequer and the Prime Minister.

Mr. J. D. WHITE (Dumbartonshire) said he rose to express his decided satisfaction with the Government for standing by the clause including counties in the scope of the Bill. Speaking as a county Member and as one who was interested in the Report to which reference had been made, he ventured to think that perhaps the best answer which could be made to the strictures which had been offered by the hon. Gentleman opposite was to read the words of the learned Solicitor-General for Scotland—

> "There can be no doubt that when the Bill received the Second Reading it was expressly stated by a member of the Government that existing contracts would be untouched, and that Clause 7 would be struck out in Committee. It is impossible for your Committee to say to what extent votes were affected by this declaration. As your Committee have come to the conclusion that the Bill ought not to be further proceeded with——"

***Mr. DEPUTY-SPEAKER** pointed out that while it was true that the Solicitor-General had referred to his own record on feu-duties by way of personal explanation, and the hon. Member for North Ayrshire was allowed to comment on the matter in reply, the question did not seem relevant to the Amendment now under discussion, and should not be further dealt with.

Mr. J. D. WHITE said in that case he would confine his remarks to the question in its relation to the Scottish counties where there were precisely the same difficulties in many ways as in the towns. In many of their country districts the housing of the people was notoriously bad, and this was largely due to the evils of the present system of land tenure and of rating. They found that if they wanted to get additional ground to build upon they had to pay prices far above the value at which it was rated; and that was one of the fundamental circumstances which stopped building; in fact it was one of the things which had caused the development of those high buildings which they saw in many parts of Scotland, because as it was impossible to extend outwards there was a tendency to extend upwards. They desired that the people in country districts should be able to get the land at a fair price to build upon. In Scotland they also laboured under this disadvantage that, whatever building they put up, except it were a crofter's in a crofting county, the better the building the higher it was rated and the heavier it was taxed. [AN HON. MEMBER: Why not?] He was one of those who thought that that principle was fundamentally unsound. They desired that the people should be well housed; they wished that every opportunity should be given to the people to invest their money in houses, and that all steps should be encouraged which would prevent overcrowding. He would remind hon. Members that, notwithstanding the sparse population of Scotland in the country districts, overcrowding in that country was far worse than in England. They had that problem to deal with in the Scottish counties. He would give the House a few instances which had occurred in his own county. It so happened that in one place overlooking the Clyde there were fifty-two acres of land which were required for the defence of the Clyde. The rateable value of the fifty-two acres was £60 a year. The War Office had bought that land for £14,500, or something like 240 years purchase; and yet they were told that land in the counties had no value at all. In another district of the same county there was a thriving industrial community which was steadily expanding. They required two acres of land for a school, and they acquired two acres out of a five-acre field. The rateable value of the land was £12 a year or about £2 an acre. The school authorities paid £1,200 an acre for those two acres of land, or 600 years purchase. He gave that as an illustration showing the absolute necessity of applying the principles of this Bill to Scottish counties. They had to consider not only the question of obtaining land for housing, but also for small holdings. It was said that although the land might be rated at a low value it had a great feuing value. If the feuing value was to be a factor in the valuation for purchase, it should also, on the same principle, be a factor in the valuation for rating purposes. They wanted not only to exempt houses from the penalising effect of rating, but also to do the same thing for agricultural improvements. Although Scottish agriculture had made great progress the soil was not so rich or the climate so favourable as in England, and therefore they wanted the best possible rating system they could get. In his own county a considerable amount of agricultural produce was raised under glass, and he had heard these people complain that as soon as they had laid the brick foundations of their greenhouses and put the glass on up went their assessments, and their efforts were penalised in that way. They wished to relieve those things from taxation, and then they would be able to do a great deal for the Scottish farmers in the counties. There was no difficulty about applying this principle to agricultural land outside as well as inside burghs, and he declined to divide Scotland into watertight compartments. They recognised that the depopulation of the country had led to overcrowding in the towns, and nothing would relieve the pressure but the development of the country districts. If they wished to apply this system properly they must apply it throughout Scotland to the counties and burghs alike. He was glad that the Government were holding to this clause, and he hoped in the long run it would be the foundation for rating not only in the burghs but also in the counties.

*MR. HILLS (Durham) said the hon. Member for Dumbartonshire had complained that the War Office were unable to buy land in the instance he had quoted at the bare site value. That gave them the key to what was really intended by this Bill. They could not consider this Bill alone, and until they knew the wild schemes of the wild men behind it they could not support it. In land reform they were all interested, but they could not have anything to do with spoliation. It had been argued in favour of the Bill that the burgh boundary was an entirely artificial line, and he agreed with that contention. It was rather odd that in the Scottish Land Bill it was treated as a fixed line, although it was now admitted that agricultural land was often to be found inside the burgh area. They were casting very great burdens upon the assessor, who would have to be a man of the highest skill. It had been argued that all the evidence given before the Select Committee supported the inclusion of rural land. Of course it did. All the witnesses were summoned by the hon. Gentleman himself, and if the Government formed the Court themselves and called the evidence they could get any sort of conclusion they liked. He did not attach very great weight to that argument. They had to rate or tax not things but persons. When it was said that they were going to rate a certain class of land what they meant was that they were going to measure the owner's capacity to pay according to the value of the land he owned. If he owned a large amount of land he would pay more and if he owned a small amount he would pay less, and they were proposing to have a system of land valuation for the purpose of forming a basis whereby they could arrive at the capacity of the owner to pay. If rural land had no value, then it was no use as such basis, and the carrying out of this principle meant that the man who owned rural land would pay no rates at all. It was common knowledge that over a large part of these islands the value had gone out of agricultural land entirely, and all that was paid was a low rate of interest on the money sunk in the land in buildings and improvements. All the rental value had gone, and how could they form a scheme of taxation on the basis of taxing a man according to the value of something which had no value at all? That surely was a *reductio ad absurdum.* He should vote for the Amendment if it was pressed to a division.

Mr. J. M. HENDERSON (Aberdeenshire, W.) said nothing had delighted him so much as the frank speech of the Solicitor-General on this queston. He happened to be the only Liberal member of the Committee who opposed the taxation of which he spoke, and he was the only member who supported the Lord-Advocate in the decision he gave to the House on the introduction of the Bill of last year. All the rest forsook him, and he had been looked askance at because he took up that line which had turned out to be the right line. The House would now see the class of argument which was at the back of all this agitation. Exceptional instances should not be taken as the foundation for a general policy. He was going to vote against the Amendment because he wished to see counties included, and for the reason that when the county returns were brought before the House of Commons it would be seen that they were putting the counties to an expense—large or small it did not matter—which would prove there was absolutely nothing to rate. If they struck out buildings and improvements in counties, drainage and fencing which had been done within the last twenty years, and so forth, they would have very little land value left, and all the trouble and expense so far as counties were concerned would result in nothing. There was one thing certain—all wanted the Government to pay. When they considered that in Aberdeenshire there were 43,000 entries on the roll it was manifest that there must be considerable expense occasioned not to the assessors alone but to every one of the landholders. That was an expense which ought to be considered. They all hoped to get it from the Government, and there he left them. He opposed the Amendment because he wished to see this return made from the counties. It would show how foolish it was so far as the counties were concerned.

Question put.

The House divided:—Ayes, 241; Noes, 54. (Division List No. 440.)

AYES.

Abraham, William (Cork, N.E.)
Ainsworth, John Stirling
Ambrose, Robert
Asquith, Rt.Hn. Herbert Henry
Baker, Sir John (Portsmouth)
Baker, Joseph A. (Finsbury, E.
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barlow, Sir John E. (Somerset)
Barnes, G. N.
Mr. Hills.

Bell, Richard
Belloc, Hilaire Joseph Peter R.
Benn, W.(T'w'r Hamlets, S.Geo.
Berridge, T. H. D.
Bethell, Sir J.H.(Essex, R'mf'rd
Bethell, T. R. (Essex, Maldon)
Birrell, Rt. Hon. Augustine
Boland, John
Brace, William
Bramsdon, T. A.

Branch, James
Brigg, John
Brunner, J. F. L. (Lancs., Leigh)
Buchanan, Thomas Ryburn
Burke, E. Haviland-
Burns, Rt. Hon. John
Byles, William Pollard
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton, RtHn. Richard Knight

Chance, Frederick William
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Clarke, C. Goddard (Peckham)
Cleland, J. W.
Clough, William
Clynes, J. R.
Collins, Stephen (Lambeth)
Collins, Sir Wm. J. (S. Pancras, W.
Corbett, C H. (Sussex, E. Grinst'd
Cowan, W. H.
Cremer, Sir William Randal
Crooks, William
Crosfield, A. H.
Crossley, William J.
Curran, Peter Francis
Davies, Timothy (Fulham)
Delany, William
Dewar, Arthur (Edinburgh, S.)
Dickinson, W. H. (St. Pancras, N.
Dickson-Poynder, Sir John P.
Dilke, Rt. Hon. Sir Charles
Donelan, Captain A.
Duckworth, James
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Everett, R. Lacey
Farrell, James Patrick
Fenwick, Charles
Ferens, T. R.
Ffrench, Peter
Field, William
Findlay, Alexander
Flavin, Michael Joseph
Fowler, Rt. Hon. Sir Henry
Freeman-Thomas, Freeman
Fuller, John Michael F.
Gibb, James (Harrow)
Gill, A. H.
Ginnell, L.
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Gulland, John W.
Gurdon, Rt Hn. Sir W. Brampton
Gwynn, Stephen Lucius
Halpin, J.
Hammond, John
Harcourt, Rt. Hon. Lewis
Harmsworth, Cecil B. (Worc'r)
Harvey, W. E. (Derbyshire, N.E.
Haworth, Arthur A.
Hayden, John Patrick
Hazel, Dr. A. E.
Hazelton, Richard
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Higham, John Sharp
Hobart, Sir Robert
Hobhouse, Charles E. H.
Hogan, Michael
Holt, Richard Durning
Hope, John Deans (Fife, West)
Horniman, Emslie John
Hyde, Clarendon
Idris, T. H. W.
Illingworth, Percy H.
Jardine, Sir J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jowett, F. W.
Joyce, Michael
Kearley, Hudson E.
Kennedy, Vincent Paul
Laidlaw, Robert
Lambert, George
Lamont, Norman
Lardner, James Carrige Rushe
Lehmann, R. C.
Lever, A. Levy (Essex, Harwich
Levy, Sir Maurice
Lewis, John Herbert
Lough, Thomas
Lundon, W.
Lupton, Arnold
Lyell, Charles Henry
Lynch, H. B.
Macdonald, J. M. (Falkirk B'ghs)
Mackarness, Frederick C.
Macnamara, Dr. Thomas J.
MacNeill, John Gordon Swift
Macpherson, J. T.
MacVeagh, Charles (Donegal, E.
M'Callum, John M.
M'Crae, George
M'Hugh, Patrick A.
M'Kean, John
M'Kenna, Rt. Hon. Reginald
Maddison, Frederick
Manfield, Harry (Northants)
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Marnham, F. J.
Massie, J.
Meehan, Patrick A.
Menzies, Walter
Micklem, Nathaniel
Molteno, Percy Alport
Montagu, E. S.
Montgomery, H. G.
Mooney, J. J.
Morgan, G. Hay (Cornwall)
Morgan, J. Lloyd (Carmarthen)
Morrell, Philip
Morse, L. L.
Morton, Alpheus Cleophas
Muldoon, John
Murphy, John (Kerry, East)
Murphy, N. J. (Kilkenny, S.)
Myer, Horatio
Napier, T. B.
Nicholls, George
Nicholson, Charles N. (D'nc'st'r)
Nolan, Joseph
Nuttall, Harry
O'Brien, Kendal (Tipperary Mid.
O'Brien, Patrick (Kilkenny)
O'Connor, T. P. (Liverpool)
O'Doherty, Philip
O'Donnell, C. J. (Walworth)
O'Donnell, T. (Kerry, W.)
O'Grady, J.
O'Malley, William
O'Shee, James John
Parker, James (Halifax)
Pearce, Robert (Staffs., Leek)
Pearce, William (Limehouse)
Pearson, Sir W. D. (Colchester)
Pearson, W. H. M. (Suffolk, Eye)
Pirie, Duncan V.
Power, Patrick Joseph
Price, C. E. (Edinb'gh, Central)
Rea, Russell (Gloucester)
Rea, Walter Russell (Scarboro'
Reddy, M.
Redmond, John E. (Waterford)
Redmond, William (Clare)
Richards, Thomas (W. Monm'th
Richards, T. F. (Wolverh'mpton
Rickett, J. Compton
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott (Br'df'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Robson, Sir William Snowdon
Roe, Sir Thomas
Rogers, F. E. Newman
Rowlands, J.
Runciman, Walter
Russell, T. W.
Samuel, Herbert L. (Cleveland)
Scott, A. H (Ashton-under-Lyne
Seely, Colonel
Shaw, Rt. Hon. T. (Hawick B.)
Sherwell, Arthur James
Shipman, Dr. John B.
Silcock, Thomas Ball
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smyth, Thomas F. (Leitrim, S.)
Snowden, P.
Stanley, Albert (Staffs., N.W.)
Stanley, Hn. A. Lyulph (Chesh.)
Steadman, W. C.
Stewart, Halley (Greenock)
Strachey, Sir Edward
Strauss, E. A. (Abingdon)
Summerbell, T.
Taylor, John W. (Durham)
Thompson, J. W. H. (Somerset, E
Toulmin, George
Trevelyan, Charles Philips
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walsh, Stephen
Walters, John Tudor
Walton, Joseph (Barnsley)
Ward, John (Stoke upon Trent
Ward, W. Dudley (Southampt'n
Wardle, George J.
Waring, Walter
Waterlow, D. S.
Wedgwood, Josiah C.
Weir, James Galloway
White, J. D. (Dumbartonshire)
White, Patrick (Meath, North)
Whitehead, Rowland
Whitley, John Henry (Halifax)
Wiles, Thomas
Wilson, Henry J. (York, W.R.)
Wilson, John (Durham, Mid)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Ashley, W. W.
Balcarres, Lord
Balfour, Rt. Hn. A. J. (City Lond)
Banbury, Sir Frederick George
Barrie, H. T. (Londonderry, N.)
Beach, Hn. Michael Hugh Hicks
Bowles, G. Stewart
Boyle, Sir Edward
Bridgeman, W. Clive
Bull, Sir William James
Campbell, Rt. Hon. J. H. M.
Carlile, E. Hildred
Cave, George
Cavendish, Rt. Hn. Victor C. W.
Cecil, Lord John P. Joicey-
Cecil, Lord R. (Marylebone, E.)
Chamberlain, Rt Hn. J. A. (Worc.
Chaplin, Rt. Hon. Henry
Coates, E. Feetham (Lewisham)
Cochrane, Hn. Thos. H. A. E.
Collings, Rt. Hn. J. (Birmi'gham)
Courthope, G. Lloyd
Craig, Charles Curtis (Antrim, S.)
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey
Fell, Arthur
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gretton, John
Hamilton, Marquess of
Harris, Frederick Leverton
Harrison-Broadley, H. B.
Hills, J. W.
Hunt, Rowland
Kennaway, Rt. Hn. Sir John H.
Law, Andrew Bonar (Dulwich)
Magnus, Sir Philip
Nield, Herbert
Parker, Sir Gilbert (Gravesend)
Parkes, Ebenezer
Pease, Herbert Pike (Darlington
Rawlinson, John Frederick Peel
Remnant, James Farquharson
Roberts, S. (Sheffield, Ecclesall
Ronaldshay, Earl of
Salter, Arthur Clavell
Staveley-Hill, Henry (Staffsh.)
Talbot, Lord E. (Chichester)
Thomson, W. Mitchell-(Lanark)
Younger, George

TELLERS FOR THE NOES—Sir Alexander Acland-Hood and Viscount Valentia.

MR. MITCHELL-THOMSON moved to leave out the word "capital" in order to insert the word "annual," the object of the Amendment being to provide that the valuation arrived at should be that of the annual land value. He held that the amount to be inserted in the extra column should not be the capital value, which was purely hypothetical, but the annual value which was a totally different thing. The annual land value was its value to the owner on the one hand, and to the tenant on the other, for its use simply or with its improvements. By this Bill it was sought to arrive at the capital value, which was a hypothetical value, and what was proposed to be rated was not that value, but some fraction of it when it had been arrived at. He would suggest to the right hon. and learned Gentleman that that was a very roundabout way of achieving his object. Supposing it was wished to arrive at the capital value, when they went to buy a holding they did not look into the air to seek there the capital value, but they asked what was the annual value, and that spread over so many years was the capital value. He did not believe that even when the Bill came into operation they would get away from annual value. Let them take the case of joint owners which had been discussed in Committee. In arriving at the proportion of the feu duty which had to be allocated to each of them, they had to consider what proportion of the annual value would fall on each. If the rating had to be imposed on an annual value, why not boldly state it at once, and take the actual figures on which they could estimate the capital value. He begged to move.

MR. REMNANT (Holborn) seconded the Amendment.

Amendment proposed—

"In page 1, line 9, to leave out the word 'capital,' and to insert the word 'annual.'"—(*Mr. Mitchell-Thomson.*)

Question proposed, "That the word 'capital' stand part of the Bill."

*MR. THOMAS SHAW said that his hon. friend had admitted that if his Amendment had been rental value it would have been out of order; but he suggested that what the hon. Gentleman proposed was still more hypothetical, viz., to divest the land of the improvements, then to get the capital value, then to take 5 per cent. of that and imagine what somebody would give for it per annum. What the Government proposed was simpler; it was to ask, what would a man give for the land? That was the capital value.

MR. A. J. BALFOUR thought the right hon. and learned Gentleman had mistaken one of the strongest points of the hon. Member for North West Lanarkshire. The contention of the Government was that they ought to get at the capital value, and then deduce the annual value. His hon. friend said let them get the annual value, because everybody would decide what the capital value was on the basis of the annual value. That was the universal practice of mankind. If someone was going to buy improved land, he would form an estimate of the annual value, and on that he would estimate the capital value by the number of years purchase which would be given for it. That must depend in part not only upon how much a man would receive from it, or get out of it, each year, but upon his estimate of the security of that income. Supposing the unimproved value was £100, what was the capital value of that unimproved value? That depended upon a great number of circumstances. How on earth was a valuer to estimate the number of years purchase of property which was subject to Parliamentary and Governmental attack? Let them take as an illustration what was regarded as the most sacred of private property in Scotland. He meant feu duties. The Chancellor of the Exchequer and the Lord Advocate had both made speeches explaining that it was a fundamental proposition of honest legislation and of honest administration of the law that feu-duties and contracts should be respected. They went out of the House, the demands of human nature had to be satisfied, and the Solicitor-General for Scotland got up and said he adhered to every word he had ever said about the taxation of ground values and the breaking of those contracts which the Chancellor of the Exchequer and the Lord Advocate had regarded as sacred. He had never heard different views uttered by different members of the Government in a more shameless manner. He had never heard from the same bench, on the same evening, on the same subject, on the same Bill, and on the most important part of the Bill, two statements so diametrically opposite in their character. How was a valuer to estimate the capitalised value of an annual income when he had got to deal with such uncertain quantities as the moods and tenses of a divided Government? At one time, under the Chancellor of the Exchequer, land might be worth thirty-five years purchase or perhaps twenty-five years purchase, but under the learned Solicitor-General it might be worth only fifteen or ten years purchase. He hoped the House would accept his hon friend's Amendment.

*Sir E. BOYLE, speaking from life-long experience, said that to fix the capital value first was to put the cart before the horse, and it could only mean, when logically worked out, chaos.

Question put.

The House divided :—Ayes, 239 ; Noes, 254. (Division List No. 441.)

AYES.

Abraham, William (Cork, N.E.)
Abraham, William (Rhondda)
Ainsworth, John Stirling
Ambrose, Robert
Asquith, Rt.Hn. HerbertHenry
Baker, Sir John (Portsmouth)
Baker, Joseph A.(Finsbury, E.)
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barlow, Sir John E. (Somerset)
Barnes, G. N.
Barry, Redmond J. (Tyrone,N.
Bell, Richard
Benn,W.(T'w'rHamlets,S.Geo.)
Berridge, T. H. D.
Birrell, Rt. Hon. Augustine
Boland, John
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Brunner,J.F.L. (Lancs.,Leigh)
Buchanan, Thomas Ryburn
Burke, E. Haviland-
Burns, Rt. Hon. John
Byles, William Pollard
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton,RtHn.Richard Knight
Chance, Frederick William
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Clarke, C. Goddard (Peckham)
Cleland, J. W.
Clough, William
Clynes, J. R.
Collins, Stephen (Lambeth)
Collins,SirW. J.(S.Pancras, W.)
Condon, Thomas Joseph
Cooper, G. J.
Corbett,CH (Sussex,E.Grinst'd)
Cory, Clifford John
Cowan, W. H.
Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Curran, Peter Francis
Davies, Timothy (Fulham)
Delany, William
Dewar, Arthur (Edinburgh, S.)
Dickinson, W.H.(St.Pancras,N
Dickson-Poynder, Sir John P.
Dilke, Rt. Hon. Sir Charles
Donelan, Captain A.
Duncan, C.(Barrow-in-Furness)
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Everett, R. Lacey
Farrell, James Patrick
Fenwick, Charles
Ferens, T. R.
Ferguson, R. C. Munro
Ffrench, Peter
Field, William
Findlay, Alexander
Flavin, Michael Joseph
Freeman-Thomas, Freeman

Fuller, John Michael F.
Gibb, James (Harrow)
Gill, A. H.
Ginnell, L.
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Gulland, John W.
Gwynn, Stephen Lucius
Halpin, J.
Hammond, John
Harcourt, Rt. Hon. Lewis
Harmsworth, Cecil B. (Worc'r)
Harmsworth, R.L.(Caithn'ss-sh
Harvey, W.E.(Derbyshire, N.E.
Haworth, Arthur A.
Hayden, John Patrick
Hazel, Dr. A. E.
Hazleton, Ricard
Healy, Timothy Michael
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Higham, John Sharp
Hobart, Sir Robert
Hobhouse, Charles E. H.
Hogan, Michael
Holland, Sir William Henry
Holt, Richard Durning
Hope, John Deans (Fife, West)
Horniman, Emslie John
Hyde, Clarendon
Idris, T. H. W.
Illingworth, Percy H.
Jardine, Sir J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jowett, F. W.
Joyce, Michael
Kearley, Hudson E.
Kennedy, Vincent Paul
Laidlaw, Robert
Lambert, George
Lamont, Norman
Lardner, James Carrige Rushe
Lehmann, R. C.
Lever, A. Levy (Essex,Harwich
Levy, Sir Maurice
Lewis, John Herbert
Lough, Thomas
Lundon, W.
Lupton, Arnold
Lyell, Charles Henry
Lynch, H. B.
Macdonald, J.M.(Falkirk B'ghs
Mackarness, Frederic C.
Macnamara, Dr. Thomas J.
MacNeill, John Gordon Swift
Macpherson, J. T.
MacVeagh, Jeremiah (Down,S.)
MacVeigh, Charles(Donegal,E.)
M'Callum, John M.
M'Crae, George
M'Hugh, Patrick A.
M'Kenna, Rt. Hon. Reginald
Maddison, Frederick
Manfield, Harry (Northants)
Markham, Arthur Basil
Marks, G.Croydon(Launceston)
Marnham, F. J.
Massie, J.
Meehan, Patrick A.
Menzies, Walter
Micklem, Nathaniel
Molteno, Percy Alport
Montgomery, H. G.
Mooney, J. J.
Morgan, G. Hay (Cornwall)
Morgan, J. Lloyd (Carmarthen)
Morrell, Philip
Morse, L. L.
Morton, Alpheus Cleophas
Murphy, N. J. (Kilkenny, S.)
Myer, Horatio
Napier, T. B.
Nicholls, George
Nicholson,CharlesN.(Doncast'r
Nolan, Joseph
Nuttall, Harry
O'Brien,Kendal (Tipperary Mid
O'Brien, Patrick (Kilkenny)
O'Connor, T. P. (Liverpool)
O'Doherty, Philip
O'Donnell, C. J. (Walworth)
O'Donnell, T. (Kerry, W.)
O'Grady, J.
O'Malley, William
O'Shee, James John
Parker, James (Halifax)
Paulton, James Mellor
Pearce, Robert (Staffs, Leek)
Pearce, William (Limehouse)
Pearson, Sir W.D. (Colchester)
Pearson, W.H.M.(Suffolk, Eye)
Pirie, Duncan V.
Power, Patrick Joseph
Price, C. E. (Edinb'gh,Central)
Rea, Russell (Gloucester)
Rea, Walter Russell (Scarboro'
Reddy, M.
Redmond, John E. (Waterford)
Richards, Thomas(W.Monm'th
Richards,T.F.(Wolverh'mpt'n)
Rickett, J. Compton
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Robertson,SirG.Scott (Bradf'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Robson, Sir William Snowdon
Roe, Sir Thomas
Rogers, F. E. Newman
Rowlands, J.
Runciman, Walter
Russell, T. W.
Samuel, Herbert L. (Cleveland)
Scott,A.H.(Ashton-under-Lyne
Seely, Colonel
Shaw, Rt. Hon. T. (Hawick B.
Sherwell, Arthur James
Shipman, Dr. John G.
Silcock, Thomas Ball
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smyth, Thomas F. (Leitrim, S.)
Snowden, P.
Stanley, Albert (Staffs, N.W.)
Stanley, Hn.A.Lyulph (Chesh.)
Steadman, W. C.
Stewart, Halley (Greenock)
Strachey, Sir Edward
Strauss, E. A. (Abingdon)
Summerbell, T.
Taylor, John W. (Durham)
Thompson,J.W.H.(Somerset,E.
Toulmin, George
Trevelyan, Charles Philips
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walsh, Stephen
Walters, John Tudor
Ward, John(Stoke-upon-Trent)
Wardle, George J.
Waring, Walter
Waterlow, D. S.
Wedgwood, Josiah C.
Weir, James Galloway
White, J. D. (Dumbartonshire)
White, Patrick (Meath, North)
Whitehead, Rowland
Whitley, John Henry (Halifax)
Wiles, Thomas
Wilson, Henry J. (York, W.R.)
Wilson, John (Durham, Mid)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Peese.

NOES.

Acland-Hood,Rt.Hn.SirAlexF.
Ashley, W. W.
Balcarres, Lord
Balfour,Rt.Hn.A.J.(City Lond.
Banbury, Sir Frederick George
Banner, John S. Harmood-
Barrie, H.T. (Londonderry,N.)
Beach, Hn. Michael HughHicks
Bowles, G. Stewart
Boyle, Sir Edward
Bridgeman, W. Clive
Bull, Sir William James
Campbell, Rt. Hon. J. H. M.
Carlile, E. Hildred
Cave, George
Cavendish, Rt. Hn.VictorC.W.
Cecil, Lord John P. Joicey
Cecil, Lord R. (Marylebone, E.)
Coates, E. Feetham (Lewisham
Cochrane, Hon. Thos. H. A. E.
Courthope, G. Loyd
Craig,Charles Curtis(Antrim,S.)
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey
Fell, Arthur
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gretton, John
Hamilton, Marquess of
Harris, Frederick Leverton
Harrison-Broadley, H. B.
Hay, Hon. Claude George
Hills, J. W.
Hunt, Rowland
Kennaway,Rt.Hn. Sir John H.

Kimber, Sir Henry
Long, Rt. Hn. Walter (Dublin, S
Nield, Herbert
Parker, Sir Gilbert (Gravesend)
Parkes, Ebenezer
Pease, Herbert Pike (Darlington
Rawlinson, John Frederick Peel
Remnant, James Farquharson
Roberts, S. (Sheffield, Ecclesall)
Ronaldshay, Earl of
Salter, Arthur Clavell
Staveley-Hill, Henry (Staff'sh.
Talbot, Lord E. (Chichester)
Tennant, Sir Edward (Salisbury
Valentia, Viscount

TELLERS FOR THE NOES—Mr. Mitchell-Thomson and Mr. Younger.

SIR HENRY CRAIK moved an Amendment for the purpose of altering the expression "capital land value" in Subsection (2) of Clause 1, where the new entry to be made in the valuation roll is described to "capital unimproved land value." The object of his Amendment was to carry out more strictly the definition of the clause.. He was not sure whether it directly carried out the theory upon which the advocacy of this proposal rested, namely, that they should divest the land of every possible expenditure made upon it and deal with it as the remnant that was left. They wanted something more than was defined by Clause 3 before they could arrive at the simple and absolute value of land to its owner. Before that could be arrived at all money or labour spent upon that land must in justice to the owner be deducted, although it need not be expenditure that was to prove useful after the land had been sold by the owner and purchased for a different purpose. There might be land which, in the opinion of the assessors, should be valued as building land, and an enhanced value put upon it, but supposing the owner of that land had spent money upon it in planting trees, or in chemical manures for agricultural purposes, or in levelling it for the purpose of laying down a bowling green, as might easily be the case in a suburban area, all that expenditure must be deducted before the land was valued for building purposes in order to reach the true value of the land. He asked by this Amendment that they should be saved from any trickery, doubt, or dubiety on this point: that any money spent on the land should be deducted before they began to rate the owner of the land upon its value. It was in order to be strictly logical and to insure that the subsequent clause rose to that highly logical point which the advocates of this Bill had always put forward that he begged to move.

*MR. REMNANT, in seconding, said he hoped the Government would accept this Amendment. They had persistently throughout the various stages of the Bill sought to impress upon the House the fact that what they wanted to do was to free anything in the shape of industry from the taxes from which at present they were supposed to be suffering, and by this Amendment they were trying to carry out what they understood the Government intended to do. They now had the definition clause extended to include "improvements of whatever nature, on, in, or under the soil, woods, fixed or attached machinery, and work of reclamation, making up, levelling and the like, where such work has been executed not more than twenty years preceding." That was one of the results of their deliberations upstairs, and the Lord Advocate, although there was nothing in the Bill to show it, had said that he was going to consider whether he could not improve the provision stil further by leaving out the word "structural" in that clause. They had heard nothing from the Lord Advocate to indicate that he had considered the subject as he had promised to do when in Committee. It was on the faith of his promise that a good deal of the discussion was cut short in Committee. He hoped that the Lord Advocate would carry out his promise to give a fuller meaning to the word "improvements." They were asked at the fag end of the session to carry the Bill through on Report in one night. He thought that the House would agree that the discussion that night had not been in vain, certainly it had been to the point; and the longer they proceeded with the discussion the more necessary it appeared that they should safeguard the many phrases used in the Bill which were likely to lead them into considerable difficulty. He hoped the Lord Advocate, after what had occurred in Committee, would see his way to accept this Amendment.

Amendment proposed—

"In page 1, line 12, after the word 'capital,' to insert the word 'unimproved.'"—(*Sir Henry Craik.*)

Question proposed, "That the word 'unimproved' be there inserted."

*MR. THOMAS SHAW said that substantially this matter was one of drafting. It was proposed to introduce the word "unimproved," but this would interfere with the much better form of the draftsman, who used the words "capital land value," and then gave with great precision all the elements which were to be included and excluded from that definition. They would prejudice that definition if they introduced the word "unimproved," a general term which might be dangerous. Upon the whole, although there was no difference in substance, he preferred to keep to the form in which the clause stood.

*MR. HILLS said it was far more than a matter of drafting; it was the essence of the Bill. They had been told over and over again that the policy of the Bill was to shift the rate off the improvement and put it on the land. If that were so the land on which they put the rate must be unimproved land, and there could, therefore, be no objection to accepting the word. Let them take a concrete case. Supposing a man carried out irrigation works on his land. These would not be structural, or an "erection," or "fixed machinery," yet they would improve the value of the land from, say, a few shillings to several pounds an acre. As the Bill stood now they were professing to value the land alone, and yet that value would be the value of the land itself, plus the improvements; so that they would be rating a man on his improvements. That was a thing which he thought merited very serious attention; and if the point was not dealt with now, it was quite clear that subsequently Subsection (1) of Clause 3 must be amended.

Question put.

The House divided:—Ayes, 48; Noes, 238. (Division List No. 442).

AYES.

Acland-Hood,RtHn.SirAlex.F.
Ashley, W. W.
Balcarres, Lord
Balfour,RtHn.A.J.(CityLond.)
Banbury, Sir Frederick George
Banner, John S. Harmood-
Barrie,H.T.(Londonderry,N.)
Beach,Hn.Michael Hugh Hicks
Boyle, Sir Edward
Bridgeman, W. Clive
Bull, Sir William James
Campbell, Rt. Hon. J. H. M.
Carlile, E. Hildred
Cavendish,Rt.Hon.VictorC.W.
Cecil, Lord John P. Joicey-
Coates,E.Feetham(Lewisham)
Cochrane, Hon. Thos. H. A. E.

Courthope, G. Loyd
Craig,CharlesCurtis(Antrim,S.
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey
Fell, Arthur
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East
Gibbs, G. A. (Bristol, West)
Gretton, John
Hamilton, Marquess of
Harris, Frederick Leverton
Harrison-Broadley, H. B.
Hay, Hon. Claude George
Hunt, Rowland
Kimber, Sir Henry

Long,Rt.Hn.Walter(Dublin, S)
Nield, Herbert
Parkes, Ebenezer
Pease,HerbertPike (Darlington
Remnant, James Farquharson
Roberts,S.(Sheffield,Ecclesall)
Ronaldshay, Earl of
Salter, Arthur Clavell
Staveley-Hill, Henry (Staff'sh.
Talbot, Lord E. (Chichester)
Thomson,W.Mitchell-(Lanark)
Valentia, Viscount
Vincent, Col. Sir C. E. Howard
Younger, George

TELLERS FOR THE AYES—Sir Henry Craik and Mr. Hills.

NOES.

Abraham, William (Cork, N.E.)
Abraham, William (Rhondda)
Ainsworth, John Stirling
Ambrose, Robert
Baker, Sir John (Portsmouth)
Balfour, Robert (Lanark)
Baring,Godfrey(Isle of Wight
Barlow, Sir John E. (Somerset
Barnes, G. N.
Barry, Redmond J. (Tyrone,N.
Beaumont, Hon. Hubert
Bell, Richard
Benn,W.(T'w'rHamlets,S.Geo.
Berridge, T. H. D.
Birrell, Rt. Hon. Augustine
Boland, John
Bowerman, C. W.

Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Brunner,J.F.L.(Lancs.,Leigh)
Buchanan, Thomas Ryburn
Burke, E. Haviland-
Burne, Rt. Hon. John
Byles, William Pollard
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton,Rt.Hn.RichardKnight
Chance, Frederick William
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Clarke, C. Goddard (Peckham)
Cleland, J. W.

Clough, William
Clynes, J. R.
Collins, Stephen (Lambeth)
Collins,SirWm.J.(S.Pancras,W
Condon, Thomas Joseph
Cooper, G. J.
Corbett,CH (Sussex,E.Grinstd)
Cowan, W. H.
Cremer, Sir William Randal
Crooks, William
Crossley, Wiliam J.
Cullinan, J.
Curran, Peter Francis
Davies, Timothy (Fulham)
Delany, William
Dewar, Arthur (Edinburgh,S.)
Dickinson,W.H.(St.Pancras,N.

Dickson-Poynder, Sir John P.
Dilke, Rt. Hon. Sir Charles
Donelan, Captain A.
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Farrell, James Patrick
Fenwick, Charles
Ferens, T. R.
Ferguson, R. C. Munro
Ffrench, Peter
Field, William
Findlay, Alexander
Flavin, Michael Joseph
Freeman-Thomas, Freeman
Fuller, John Michael F.
Gibb, James (Harrow)
Gill, A. H.
Ginnell, L.
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Gulland, John W.
Gurdon, RtHn. SirW. Brampton
Gwynn, Stephen Lucius
Halpin, J.
Hammond, John
Harcourt, Rt. Hon. Lewis
Harmsworth, Cecil B. (Worc'r)
Harmsworth, R. L. (Caithn'ss-sh
Harvey, W. E. (Derbyshire, N. E.
Haworth, Arthur A.
Hayden, John Patrick
Hazel, Dr. A. E.
Hazleton, Richard
Healy, Timothy Michael
Helme, Norval Watson
Henderson, Arthur (Durham)
Higham, John Sharp
Hobart, Sir Robert
Hobhouse, Charles E. H.
Hogan, Michael
Holland, Sir William Henry
Holt, Richard Durning
Horniman, Emslie John
Hyde, Clarendon
Idris, T. H. W.
Illingworth, Percy H.
Jardine, Sir J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jowett F. W.
Joyce, Michael
Kearley, Hudson E.
Kekewich, Sir George
Kennedy, Vincent Paul
Kilbride, Denis
King, Alfred John (Knutsford
Laidlaw, Robert
Lambert, George

Lamont, Norman
Lardner, James Carrige Rushe
Lehmann, R. C.
Lever, A. Levy (Essex, Harwich
Levy, Sir Maurice
Lewis, John Herbert
Lough, Thomas
Lundon, W.
Lupton, Arnold
Lyell, Charles Henry
Lynch, H. B.
Macdonald, J. M. (Falkirk B'ghs
Mackarness, Frederic C.
Macnamara, Dr. Thomas J.
MacNeill, John Gordon Swift
Macpherson, J. T.
MacVeagh, Jeremiah (Down, S.
MacVeigh, Charles (Donegal, E.)
M'Callum, John M.
M'Crae, George
M'Hugh, Patrick A.
M'Kenna, Rt. Hon. Reginald
Maddison, Frederick
Manfield, Harry (Northants)
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Massie, J.
Meehan, Patrick A.
Menzies, Walter
Micklem, Nathaniel
Molteno, Percy Alport
Montgomery, H. G.
Mooney, J. J.
Morgan, G. Hay (Cornwall)
Morgan, J. Lloyd (Carmarthen)
Morrell, Philip
Morse, L. L.
Morton, Alpheus Cleophas
Muldoon, John
Murphy, John (Kerry, East)
Murphy, N. J. (Kilkenny, S.)
Myer, Horatio
Nicholls, George
Nicholson, Charles N. (Doncast'r
Nolan, Joseph
Nuttall, Harry
O'Brien, Kendal (Tipperary Mid
O'Brien, Patrick (Kilkenny)
O'Connor, T. P. (Liverpool)
O'Doherty, Philip
O'Donnell, C. J. (Walworth)
O'Donnell, T. (Kerry, W.)
O'Grady, J.
O'Malley, William
O'Shee, James John
Parker, James (Halifax)
Paulton, James Mellor
Pearce, Robert (Staffs. Leek)
Pearce, William (Limehouse)
Pearson, Sir W. D. (Colchester)
Pearson, W. H. M. (Suffolk, Eye)
Pirie, Duncan V.
Power, Patrick Joseph
Price, C. E. (Edinb'gh, Central)

Rea, Russell (Gloucester)
Rea, Walter Russell (Scarboro'
Reddy, M.
Redmond, John E. (Waterford)
Richards, Thomas (W. Monm'th
Richards, T. F. (Wolverh'mpt'n)
Rickett, J. Compton
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott (Bradf'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Robson, Sir William Snowdon
Roe, Sir Thomas
Rowlands, J.
Runciman, Walte
Russell, T. W.
Samuel, Herbert L. (Cleveland)
Scott, A. H. (Ashton under Lyne
Seely, Colonel
Shaw, Rt. Hon. T. (Hawick B.)
Sheehy, David
Sherwell, Arthur James
Shipman, Dr. John G.
Silcock, Thomas Ball
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smyth, Thomas F. (Leitrim, S.)
Snowden, P.
Stanley, Albert (Staffs., N. W.)
Stanley, Hn. A. Lyulph (Chesh.)
Steadman, W. C.
Stewart, Halley (Greenock)
Strachey, Sir Edward
Strauss, E. A. (Abingdon)
Summerbell, T.
Taylor, John W. (Durham)
Thompson, J. W. H. (Somerset, E
Toulmin, George
Trevelyan, Charles Philips
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walsh, Stephen
Walters, John Tudor
Ward, John (Stoke upon Trent)
Wardle, George J.
Waring, Walter
Waterlow, D. S.
Wedgwood, Josiah C.
White, J. D. (Dumbartonshire)
White, Patrick (Meath, North)
Whitehead, Rowland
Whitley, John Henry (Halifax)
Wiles, Thomas
Wilson, Henry J. (York, W.R.)
Wilson, John (Durham, Mid)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)

TELLERS FOR THE NOES—Mr. Whiteley and Mr. J. A. Pease.

MR. NIELD (Middlesex, Ealing) moved an Amendment designed to exclude from the operation of the Bill land which was prohibited from sale by reason of its being vested in trustees or life renters. On the Committee the Lord Advocate led them to hope that this was an Amendment which he might accept.

MR. HILLS seconded.

Amendment proposed—

"In page 1, line 13, after the word 'heritages,' to insert the words 'not being lands and heritages belonging to any person or persons who have no power of sale.'"—(*Mr. Nield.*)

Question proposed, "That those words be there inserted."

*MR. THOMAS SHAW said he had very carefully considered this point since it was raised in Committee and it appeared to him to be quite impossible to accept the Amendment. It would involve an investigation by the assessor as to the title on which land was held.

MR. A. J. BALFOUR said he was rather perturbed by the view expressed by the Lord Advocate. He asked the House to compare the attitude taken up by the Government on this question with their policy in connection with lands under "building restrictions or servitude." When lands were of the latter kind those restrictions were taken into account in estimating the capital value. If they were taking the capital value of land apart from the conditions on which it was held, then they ought not to introduce the phrase about restrictions. If, on the other hand, they were thinking of the position of the owner of land, then surely they ought to consider whether he was a limited owner or not.

*MR. THOMAS SHAW said there was this difference. The proposal in the Amendment was one with reference to a quality of the title inherent in any land, but it did not affect at all the value of the land as land. But when they came to building restrictions the value of land as land was subject to the real burden imposed not only on one holder, but upon all holders. It went with the land.

MR. NIELD asked leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

*MR. YOUNGER moved an Amendment to Subsection (2) with the object of including railways within the Bill. He realised perfectly well why railways had been specially excluded when the Bill was being drafted. There was very great difficulty in valuing land on which railway lines were placed. He referred to the land on which the running lines were placed, and not to the sites on which stations stood. The making of a valuation of that land would give very great difficulty to the assessor. He moved this Amendment in order to call the attention of the House to the fact that the moment the right hon. Gentleman came against an extremely difficult position he proceeded to get out of it by making an exception in its favour. If the promoters of the Bill were honest in saying that they desired to remove improvements from taxation, he could not conceive any improvements more entitled to be exempted than those which were effected by railway companies. Railways were at present assessed by a special assessor in respect of their commercial value, and the effect of this Bill would be that it would be necessary to have one basis of valuation for the purpose of rating railways and another for the purpose of indicating the value of the land. The Solicitor-General had said they would be charged at a different poundage rate, but he would point out to the Solicitor-General that the difficulty could not be got rid of in that way, because in every parish and every town in Scotland the land value would bear a different proportion to the composite value of the subject. Under the circumstances, he held that if the principle of the proposal in the Bill was sound it ought to be equally applicable to all, and there should be no exceptions. There was no reasonable ground for exempting railways from the operation of the Bill except the difficulty of valuing the sites. But that difficulty must be faced; and he submitted that if it could not be overcome then the whole principle and object of the Bill broke down. He moved his Amendment in order to raise the whole question. He hoped the House would agree with him that if they were going to have a Land Values Bill they should not have land values on one class of subjects, with commercial values on another. He begged to move.

MR. MITCHELL-THOMSON seconded the Amendment. The hon. Member for East Edinburgh had waxed eloquent on platforms and in the House as to the extreme merits of the valuation system in Scotland, on the ground of its uniformity and simplicity, and the hon. Gentleman added that they were going to take a step forward by this Bill. He thought that it was more of the nature of a *volte face.* At any rate, uniformity would be conspicuous by its absence when they found two different systems of valuation, two different systems of rating, and two different systems of poundage.

Amendment proposed—

"In page 1, line 14, to leave out from the word 'roll,' to end of Subsection (2).' "—(*Mr. Younger.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. THOMAS SHAW said he did not suppose that if they were to write on a clean slate a system of valuation for Scotland it would include the value of railways and canals in the same scheme as other property. Since the Valuation Act of 1854 was passed they had had a scheme of valuation for railways and canals which was totally separate from that of other property; and every Parliamentary inquiry had since then upheld that distinction. The last Parliamentary inquiry showed clearly that it was impossible to include railways and canals, which were valued on a different system altogether, under the existing scheme. In Scotland they had in every local authority an assessor who made the valuation according to the Act of 1854; but his work was completely different from that of the assessor for railways and canals, the entries in whose book, which involved very complicated calculations, did not appear in the valuation roll. The theory was well founded that railways and canals could not be treated except as a commercial unity, the land itself having been disposed of by Parliament for a particular purpose, and put beyond the range of ordinary valuation. He submitted that it would be rash to introduce a differentiation here in a system which had gone on for more than half a century.

MR. A. J. BALFOUR said he was sure the Lord Advocate himself would admit that the defence just given for this anomalous provision in the Bill was wholly inadequate. Let the House remember that the general contention was that all local taxation should be based upon the ground of capital land value, and not on annual return. It was clear, therefore, that if they were to carry out that system railways and canals should be brought under it. Why should they be exempted? The right hon. and learned Gentleman said that in connection with other property capital value was right, but in connection with railways and canals capital value was not right, but that it should be annual value. The Lord Advocate should have something better to say than such a mere re-statement of his case. If all local taxation was to be based on capital and value and not annual value, why should railway, gas, water, and other companies be based on a different principle? Here was a gas company, and next door to it a mill. The gas company, because it supplied gas under an Act of Parliament to more than one parish, was not to be assessed upon capital value, but upon annual value. The mill which supplied perhaps the whole country was to be assessed not on the annual, but on the capital value. How could the anomaly be justified, and why should not the undertakings in question be brought under the new system? The Government should either frankly admit the great differences between different kinds of property or say that this was a universal Bill to apply to everything in Scotland; but when they came to the vast undertakings embodied in railway, gas, water, and canal undertakings, it was found that the Government were so systematic, so logical, so anxious to establish a coherent proposition that they suddenly shrank from the inevitable consequences of their principle!

MR. J. M. HENDERSON did not think that the answer of the Lord Advocate to the Amendment was a very convincing one. The right hon. Gentleman said that for fifty years railways and canals had been rated in a different way from other classes of property, because in regard to rent, that was arrived at by considering what a hypothetical tenant might pay to a hypothetical landlord. The whole basis was, however, wrong. The intention, he understood, of this proposed new system of taxation was to relieve the taxes upon industry. Railways were the bed rock of our commercial system, but he thought they were mulcted and sweated from the moment they introduced a Bill till they got it through both Houses. Hon. Members also cried out for lower rates, although they knew they were asking for what was absolutely impossible. He did not consider that the rates on railways should be doubled, but thought they ought to get the benefit which should be given to a useful industry.

LORD R. CECIL (Marylebone, E.) said that this Amendment was the test of the whole Bill, and it was impossible to discuss it properly without knowing what superstructure was to be reared on it. Before they agreed to the exclusion of railways and canals they ought to know what was the scheme of the Government to be presented to the House for the taxation of land in Scotland. This Amendment was a test of the Parliamentary *bona fides* of the promoters of the Bill.

Question put.

The House divided:—Ayes, 227; Noes, 57. (Division List No. 443.)

AYES.

Abraham, William (Cork, N.E.)
Abraham, William (Rhondda)
Ainsworth, John Stirling
Asquith, Rt. Hn. Herbert Henry
Baker, Sir John (Portsmouth)
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barnes, G. N.
Barry, Redmond J. (Tyrone, N.)
Beaumont, Hon. Hubert
Benn, W. (T'w'r Hamlets, S. Geo.
Boland, John
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Brodie, H. C.
Brunner, J. F. L (Lancs., Leigh
Buchanan, Thomas Ryburn
Burke, E. Haviland
Burns, Rt. Hon. John
Byles, William Pollard
Cambell-Bannerman, Sir H.
Carr-Gomm H. W.
Causton, Rt. Hn. Richard Knight
Chance, Frederick William
Cherry, Rt. Hon. R. R.
Churchill, Rt. Hon. Winston, S.
Clough, William
Clynes, J. R.
Collins, Stephen (Lambeth)
Collins, Sir W. J. (S. Pancras, W.
Condon, Thomas Joseph
Cooper, G. J.
Corbett, C H (Sussex, E. Grinst'd
Cory, Clifford John
Cowan, W. H.
Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Cullinan, J.
Curran, Peter Francis
Davies, Timothy (Fulham)
Delany, William
Devlin, Joseph
Dewar, Arthur (Edinburgh, S.)
Dickinson, W. H. (St. Pancras, N.
Dickson-Poynder, Sir John P.
Donelan, Captain A.
Duffy, William J.
Duncan, C. (Barrow-in-Furness)
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Farrell, James Patrick
Fenwick, Charles
Ferens, T. R.
Ferguso, R. C. Munro
Ffrench, Peter
Field, William
Findlay, Alexander
Flavin, Michael Joseph
Fowler, Rt. Hon. Sir Henry
Fuller, John Michael F.
Gibb, James (Harrow)
Gill, A. H.
Ginnell, L.
Gladstone, Rt Hn. Herbert John
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Gulland, John W.
Gurdon, Rt Hn. Sir W. Brampton
Gwynn, Stepen Lucius
Halpin, J.
Hammond, John
Harmsworth, Cecil B. (Worc'r)
Harmsworth, R. L. (Caithn'ss-sh
Harvey, W. E. (Derbyshire, N.E
Haworth, Arthur A.
Hayden, John Patrick
Hazel, Dr. A. E.
Healy, Timothy Michael
Helme, Norval Watson
Henderson, Arthur (Durham)
Henry, Charles S.
Higham, John Sharp
Hobart, Sir Robert
Hobhouse, Charles E. H.
Hogan, Michael
Holt, Richard Durning
Hope, John Deans (Fife, West)
Horniman, Emslie John
Howard, Hon. Geoffrey
Hyde, Clarendon
Illingworth, Percy
Jardine, Sir J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jowett, F. W.
Joyce, Michael
Kekewich, Sir George
Kilbride, Denis
Laidlaw, Robert
Lambert, George
Lamont, Norman
Lea, Hugh Cecil (St. Pancras, E.
Lehmann, R. C.
Lever, A. Levy (Essex, Harwich
Levy, Sir Maurice
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lough, Thomas
Lundon, W.
Lupton, Arnold
Lyell, Charles Henry
Lynch, H. B.
Macdonald, J. M. (Falkirk B'ghs
Mackarness, Frederic C.
MacNeill, John Gordon Swift
Macpherson, J. T.
MacVeigh, Charles (Donegal, E.
M'Callum, John M.
M'Crae, George
M'Hugh, Patrick A.
M'Kenna, Rt. Hon. Reginald
M'Killop, W.
M'Laren, H. D. (Stafford, W.)

Maddison, Frederick
Manfield, Harry (Northants)
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Massie, J.
Meehan, Patrick A.
Menzies, Walter
Micklem, Nathaniel
Molteno, Percy Alport
Montgomery, H. G.
Mooney, J. J.
Morgan, G. Hay (Cornwall)
Morgan, J. Lloyd (Carmarthen)
Morrell, Philip
Morse, L. L.
Morton, Alpheus Cleophas
Muldoon, John
Murphy, John (Kerry, East)
Murphy, N. J. (Kilkenny, S.)
Nicholls, George
Nicholson, Charles N. (Doncast'r
Nolan, Joseph
Norton, Capt. Cecil William
Nuttall, Harry
O'Brien, Kendal (Tipperary Mid
O'Brien, Patrick (Kilkenny)
O'Connor, T. P. (Liverpool)
O'Doherty, Philip
O'Donnell, C. J. (Walworth)
O'Grady, J.
O'Malley, William
O'Shee, James John
Parker, James (Halifax)
Paulton, James Mellor
Pearce, Robert (Staffs., Leek)
Pearce, William (Limehouse)
Pearson, W.H.M. (Suffolk, Eye)
Pirie, Duncan V.
Power, Patrick Joseph
Price, C.E. (Edinburgh, Central)
Radford, G. H.
Rainy, A. Rolland
Rea, Russell (Gloucester)
Rea, Walter Russell (Scarboro'
Reddy, M.
Redmond, John E. (Waterford)
Richards, Thomas (W. Monm'th
Richards, T.F. (Wolverh'mpt'n
Rickett, J. Comton
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott (Bradf'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Roe, Sir Thomas
Rowlands, J.
Runciman, Walter
Russell, T. W.
Samuel, Herbert L. (Cleveland)
Samuel, S. M. (Whitechapel)
Shaw, Rt. Hon. T. (Hawick B.)
Sheehy, David
Sherwell, Arthur James
Shipman, Dr. John G.
Silcock, Thomas Ball
Sinclair, Rt. Hon. John
Smyth, Thomas F. (Leitrim, S.)
Snowden, P.
Stanley, Hn. A. Lyulph (Chesh.
Stewart, Halley (Greenock)
Strachey, Sir Edward
Strauss, E. A. (Abingdon)
Summerbell, T.
Taylor, John W. (Durham)
Thomson, J.W.H. (Somerset, E
Toulmin, George
Trevelyan, Charles Philips
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walsh, Stephen
Walters, John Tudo:
Ward, John (Stoke upon Trent)
Wardle, George J.
Waring, Walter
Waterlow, D. S.
Wedgwood, Josiah C.
Weir, James Galloway
White, J. D. (Dumbartonshire)
Whitehead, Rowland
Whitley, John Henry (Halifax)
Wiles, Thomas
Wilson, Henry J. (York, W.R.)
Wilson, John (Durham, Mid.)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Acland-Hood, Rt Hn. Sir Alex. F.
Arkwright, John Stanhope
Ashley, W. W.
Balcarres, Lord
Balfour, Rt Hn. A. J. (City Lond.)
Banner, John S. Harmood-
Barrie, H.T. (Londonderry, N.)
Beach, Hn. Michael Hugh Hicks
Bowles, G. Stewart
Boyle, Sir Edward
Bridgeman, W. Clive
Bull, Sir William James
Campbell, Rt. Hon. J. H. M.
Carlile, E. Hildred
Cavendish, Rt. Hn. Victor C. W.
Cecil, Lord R. (Marylebone, E.)
Chamberlain, Rt Hn. J. A. (Worc.
Coates, E. Feetham (Lewisham)
Cochrane, Hon. Thos. H. A. E.
Collings, Rt. Hn. J. (Birmingh'm
Courthope, G. Loyd
Craig, Charles Curtis (Antrim, S)
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Everett, R. Lacey
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Freeman-Thomas, Freeman
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gretton, John
Hamilton, Marquess of
Harris, Frederick Leverton
Harrison-Broadley, H. B.
Hay, Hon. Claude George
Hedges, A. Paget
Henderson, J.M. (Aberdeen, W.
Hills, J. W.
Hunt, Rowland
Kennaway, Rt. Hn. Sir John H.
Kimber, Sir Henry
Nield, Herbert
Parkes, Ebenezer
Pease, Herbert Pike (Darlington
Remnant, James Farquharson
Roberts, S. (Sheffield, Ecclesall)
Ronaldshay, Earl of
Salter, Arthur Clavell
Simon, John Allsebrook
Staveley-Hill, Henry (Staff'sh.
Talbot, Lord E. (Chichester)
Tennant, Sir Edward (Salisbury
Thomas, W. Mitchell-(Lanark)
Valentia, Viscount
Vincent, Col. Sir C. E. Howard

TELLERS FOR THE NOES—Mr. Younger and Sir Frederick Banbury.

*MR. REMNANT moved to insert at the end of the subsection a proviso to the effect that land occupied as a pleasure garden or pleasure grounds in connection with a dwelling-house should be valued together with the site of the dwelling-house on the assumption that it continued in its existing state. He said that this was a point which would have been dealt with in Committee had it not been for the Lord Advocate undertaking to deal with it when it came before the House. The Bill as reported to the House did not touch this question of open spaces, pleasure grounds, and pleasure gardens in our great centres. They heard a great deal about the preservation, as far as possible, of open spaces, and, speaking as one closely acquainted with the London County Council, he knew that they did their best to extend those open spaces, because on them depended to a large extent the healthy conditions of the people who inhabited the neighbourhoods of those open spaces. Nothing was mentioned about them in the Bill. If it was not proposed to rate them, why go to the expense of valuing them? They had heard a great deal during the debate about the intention of the promoters of the Bill to stop, as far as possible, land speculation. That was a question which had a great deal to do with the subject of open spaces in our great centres. With the leave of the House he would refer to the report of Dr. Wallace, who spoke of the conditions which he found in existence in New York, a place to which frequent reference had been made during these discussions on the question of taxation of capital values. New York rates were levied on capital values, and there was a valuation of real as well as personal property. As regarded the valuation and taxation of real property Dr. Wallace, on the state of affairs which he found in New York, used words which had a bearing more particularly on this question of gardens and open spaces. Dr. Wallace, who was President of the Land Nationalisation Society, said—

> "The results are very curious. To begin with, land speculation, which we think is bad enough with us, is but a trifle here compared with what it is in America. In America land speculation is everywhere excessive. It is the great mode of making money, and it exists more or less all over the country, wherever land is for sale and is not monopolised by great capitalists. This taxation on full values, however, usually causes very rapid changes of ownership. Men buy land on speculation for the purpose of selling it again quickly. They will not hold it long, because if it is not used the taxes will eat it up. Then somebody else buys it and sells it again pretty quickly, and thus land is continually changing owners until it is used for occupation or cultivation or for building. But the result of this rapid change of ownership, of each person trying to make a profit, is that land very rapidly acquires in America a price as high as in old settled countries like England, and very often even higher. Then, again, the result of these speculations is that in the cities—in the suburbs of the cities, in the places where working-men live—we find the land cut up into smaller strips than in England, and the houses are built still more closely together. Notwithstanding all the great advantages they possess, we find houses crowded together, rents enormously high, and no gardens to the houses. One of the most disagreeable features of American houses to Englishmen is that there are no gardens; where there is a little plot of land it is usually grass with a few trees or shrubs, but no flowers or vegetables."

He would make hon. Members opposite a present of the argument as to the experience of America, upon which this Bill was founded. He hoped at any rate that the House would be warned by the experience which New York had had in regard to this question. The information he had been able to obtain from Germany bore out exactly what he had stated in regard to America. He was anxious to preserve as many open spaces as possible and he wished to know did the Government want them? Were they going to tax open spaces? Paris started the same idea as that which was contained in this Bill, with the result that a very large open space owned by a private individual and kept open by him for the use of the public had to be sacrificed because the owner could not afford to provide an open space free for the public use and pay taxes upon it as well. If hon. Members were really in favour of these open spaces he appealed to them not to tax them out of existence.

MR. BARRIE seconded, and said that if the Lord Advocate could not see his way to accept these words he hoped he would be able to suggest others which would have the same effect. He gathered that the Lord Advocate was fully alive to the importance of this question. This Bill seemed to threaten the existence of open spaces, and there were a good many of them in Glasgow.

Amendment proposed—

> "In page 1, line 15, at the end, to insert the words, 'Provided that land occupied as a pleasure-garden or pleasure-grounds in connection with a dwelling-house shall be valued together with the site of the dwelling-house on the assumption that it continues in its existing state.'"—(*Mr. Remnant.*)

Question proposed, "That those words be there inserted in the Bill."

MR. THOMAS SHAW said he regretted that he was unable to accept this Amendment. What the hon. Member wished to be done was on the assumption that the space occupied by pleasure grounds or pleasure gardens was appropriately used as such. If that was the appropriate use to which the land should be put in the opinion of the assessor, then no change or harm could come at all, because there would be no assumption that there should be any other use than the perfectly appropriate one which realised the fair and proper value of the land. The cases which too often occurred in Scotland were of a different character. They were cases of communities which were extremely anxious to get land for the erection of workingmen's houses, or ordinary flatted tenements. He could illustrate the position by giving a single example. The case which he had in his mind was the estate of Sir George Warrender in the south of Edinburgh. That estate was exactly covered by this Amendment. It was land used as pleasure-gardens or pleasure-grounds in connection with the adjoining Mansion-house. The proposal in the Amendment was that it should be treated on the assumption that it continued in that state because that was its appropriate use, whereas in point of fact it continued to be so used notwithstanding an enormous rise in the value of land for tenement houses and working men's houses in the locality. That pleasure-garden now released for building already yielded no less than £8,000 per annum, and the proposal of the Bill was to put the real valuation on land occupied in that way so that the owner would not be able to hold it as long as he liked, keeping down its actual value. That kind of case, which was quite apart from the case of the ordinary public space, would be covered by the Amendment, which the Government could not sanction in a Bill for the ascertainment of the real value of the land. If any of these open spaces were to be put under public control, he could not imagine that any Parliament or any Government would propose to put assessments on land which substantially belonged to or was controlled by the community. When they came to the question of rating they would deal with what he would call the "public lungs" of the population. Under a valuation scheme they must have an exact valuation of these open spaces, and not a valuation of pleasure-gardens or pleasure-grounds by which proprietors were enabled to hold up land against the requirements of the community.

MR. A. J. BALFOUR said he regarded the speech of the Lord Advocate as very important. The right hon. and learned Gentleman was in the habit of founding a general proposition on a single case, and that single case not a representative one. He based his argument here on an instance in Edinburgh of a garden or pleasure ground which was once a park on the south side of the city. It was perfectly true that the Amendment would cover that case, and he perfectly understood that the Government might well have an objection to that, because that land was capable of becoming, and he thought had become, a building estate. That was not the object of his hon. friend's Amendment, nor was this estate characteristic of the case he had in view. His hon. friend had in view a general principle of which the Amendment was only a particular example. The whole effect of this Bill, together with the rating Bill which was to be founded on it, was to compel every owner of land in towns to use it as soon as ever he could for the most profitable purpose to himself. This was a Bill for stimulating owners of land in or near large towns to rush upon the market, to run up tenement houses, or whatever it might be, and to do anything so long as it gave him the biggest immediate profit. The question which he wanted most earnestly to ask the House was whether that would or would not improve the general conditions of urban life in Scotland or in any country where it was carried out. He emphatically said it would not. He heard an hon. Gentleman below the gangway cheer the Lord Advocate and express general approval of the line he was taking up. He ventured to say that those who were deeply interested in the urban problem, which was the great problem—it was not the country problem which was the great problem—must look with the profoundest misgiving on any driving of the urban owner into using his land for certain purposes just because of the immediate income. There were other parallel difficulties which would be raised by a later Amendment, but he would confine himself at present to the question of gardens. Had the right hon. and learned Gentleman ever heard of the attempt which had been made—he hoped the attempt was going to be successful—in the shape of garden cities, as they were called? It was an attempt to combine the advantages of town life and country life, of industry, fresh air, oxygen, and rural surroundings. The principle of valuation proposed by the Bill made every undertaking of that kind impossible to begin with. It could not be done if they insisted that within the limits of a garden city every square foot was to be used, not for the general effect, or for light, air, verdure, foliage and beauty, but in order that the owner might extract the extreme annual value from the land. The Bill would make impossible all these attempts to beautify cities, except by public expenditure, and to brighten urban life. In the case of the suburban villa, of course the garden would be destroyed absolutely under the Bill. It was quite true that they might say that the garden of a suburban villa was confined to the gratification of a single man, or his family, or the friends of the owner. But who denied that small suburban houses in their own grounds beautified the surroundings? Who denied that they added to the air space? Who denied that they gave a healthy existence to those, not usually belonging to the wealthy class, whose business required them to live near the scene of their occupation? All those they were going to penalise under the Bill of which this measure was to be the foundation. They were going to say to every man: "Never shall you have a garden without being rated, not on its value, but on the use you might put it to if you run up a factory or a warehouse." Was that the way in which the Government were going to deal seriously with the urban problem of the country? It was absolute lunacy. He could not understand a Government which professed to have so profound an interest in these questions recklessly running against the most obvious facts and tendencies. That was not the only point on which he believed this was going to mean ruin to the urban classes. He thought they would be able to show, when they came to the appropriate part of the Bill, that this would drive the working classes in every case from the centre of the town and far from the scene of their work. It would, however, be out of order were he to attempt to discuss that point now, and he only alluded to it because he firmly believed that this method of dealing with values was going to put an artificial pressure on the owners of every kind of land in urban districts, which would militate against the interests of the entire community. Not satisfied with that, the Government were going absolutely to destroy all that was in the nature of verdure, all that was in the nature of natural beauty; they were going to make the pleasant surroundings now found in parts of our great cities absolutely impossible by the conditions they sought to impose under the Bill. It was a lamentable state of things which he deeply and profoundly regretted, that the Lord Advocate, who, he was sure, was as keenly interested as any man in that House in the solution of the urban difficulties which they had to face, should be the mouthpiece of the Government on that occasion in carrying through a measure which he (Mr. Balfour) was convinced was going to be more injurious to our urban populations and more hampering to any efforts at urban reform than any other measure which had been brought forward in the House of Commons in his memory. He should certainly support the Amendment.

*MR. THOMAS SHAW said that out of courtesy to the Leader of the Opposition he felt it necessary to rise without delay in order to make what he thought was a necessary protest against the somewhat heated language which the right hon. Gentleman had employed. He though the right hon. Gentleman, who would understand what he was referring to, had misapprehended the view expressed in the Bill. The right hon. Gentleman had said very properly that in the case of garden cities it would be deplorable if any taxation was to hinder their establishment and development. Might he point out, however, that garden cities were a typical case in which land was set out under a building restriction. If land was set out under a building restriction that was precisely the case which they were endeavouring to meet under Subsection (2) of Head 3 of this Bill. He wanted to make this absolutely clear, because he was quite sure there was no desire to misrepresent in any sense the view expressed by this clause. If they took the Bill as a whole, and looked at the clause, they would see that the building restrictions were fairly made, not for the purpose of defeating the Act, but to protect the value of the land. He was bound to say that he thought the language of the right hon. Gentleman was somewhat extreme, having regard to the very great care which had been taken in this matter.

MR. AUSTEN CHAMBERLAIN (Wolverhampton, E.) said that it was with a good deal of hesitation that he intervened in a discussion on a Scottish Bill, but the principle underlying this Bill was, he supposed, to be applicable *mutatis mutandis* to the English Valuation Bill. If he rightly understood the position, he could not see that the Lord Advocate's answer to his right hon. friend was satisfactory. The Lord Advocate said that if there were conditions which limited the use of the land for building purposes those were to be taken account of under another clause of the Bill. Let them consider the case of two men, one of whom had either rented or purchased a house subject to the condition that he should not build on the garden land attached to it, while the other had an exactly similar house with an exactly similar garden, but it was a freehold of his own. Why was one of these men to be treated differently from the other? If the object of the Government was to make a man build on every inch of land which he had a conceivable right to cover with buildings, then they were right; but if their object was to preserve open spaces, which were the lungs of our towns, even if they were not open for perambulation to every dweller in the town, then the Government were proceeding on wholly wrong lines. Applying the system to England—and it was England primarily that he had in his mind—the Government absolutely destroyed once and for all, in all districts with a building value, any prospect of any results coming from their small holdings and allotments legislation. He submitted to the Government that if they could not accept the words of the Amendment of his hon. friend they should find words of their own to meet these cases where it was to the interests of the public that the landlord should keep his land from being built upon as long as possible. Under the Bill the Government would penalise the owner for having taken some thought for the interests of the public, and not solely consulted the interests of his own pocket. If the Government maintained the Bill in its present form they would make it necessary for the owner to extort the largest possible profit he could from his land, irrespective of any public interest which he might otherwise have beneficially served.

SIR HENRY CRAIK said that the more they listened to the debates on the Bill the more they began to see, not the reasons for it, because they were non-existent, but the extraordinary motives and theories on which it was based. The framers of the Bill seemed to think that the owners of land had only one object, namely, to obtain the highest financial benefit they could get out of the land; and that their interests would necessarily be in conflict with those of the community living around them. He wanted to know, was that a real description of his fellow-countrymen in Scotland? He denied it altogether. A man might have many motives for keeping a piece of ground unbuilt upon round his house. It might be the house in which his family had lived for generations and had earned the thanks of neighbours by keeping an open space round it for the benefit of their fellow men. Nowhere was this more frequently the case than in the city of Glasgow. Mention had been made of the Wander family, and he would like to ask, did anybody not think that the possession of the land held by that family on the Morningside had not been of enormous advantage to the city of Edinburgh? No doubt that land had gained an enhanced value since it first came into the possession of the family, but land was not the only kind of capital investment that was enhanced in value by being held. Surely the citizens of large cities like Edinburgh and Glasgow might be trusted to study to some extent, as they had done in the past, the advantages of their fellow citizens as well as their own particular interests. Let them take this case. A man had a villa with an acre of ground. As long as he held it so it might be considered that the ground might develop into valuable land. One of these villa holders was forced by the stress of the tax to realise. He realised in the best market available. He erected factories or other undesirable subjects. What was the consequence? All the neighbouring properties fell in value. The valuation upon which the tax would be based would then be a false valuation. Were they going to restore the tax paid on that false valuation? It was not the fault of the other villas that their neighbour had reduced the value of the property. The Bill endeavoured to introduce an artificial system. If a man held up his land for a future market he held it up because it would become more valuable, otherwise he would be fit for a lunatic asylum. But that land would be more valuable in rates and taxes to the community. On the other hand the man who was forced to realise because he was threatened by the Bill fixed a permanent disability upon the whole quarter. The House ought to get rid of the idea that by forcing men into one particular course, telling them they must use the property in a particular way or they would be taxed on some fictitious value, they were benefiting the community. They would crowd the cities with undesirable buildings, and drive the poor into the back slums. That would be the result of that attempt to stamp out what had hitherto been open spots preserved often from motives of conscience and a sense of duty to fellow citizens.

*Mr. BRODIE (Surrey, Reigate) said he had very great sympathy for the ideas and motives which, he believed, lay behind the Amendment, but he had listened to hon. Members opposite, and he had the feeling that they had overlooked Sub-section 4 of Clause 1 of the Bill, which ran—

> "Until Parliament otherwise determines no person shall be liable to be taxed or rated in respect of the entry prescribed under this Act,"

and, in view of this, he did not think there was any immediate urgency in regard to the question. In common with a great many Members, he protested against the idea of gardens and parks, contiguous to or even in the centre of towns, being cut up for building purposes. He would suggest to the Lord Advocate that the views of the hon. Member opposite might be met by adding to his Amendment the words "provided that such land is not alienated from the use on which it is valued, without being first offered to the local authority (or the community) at such valuation."

Mr. BONAR LAW (Camberwell, Dulwich) said he rose for a moment only in regard to the explanation of the Lord Advocate with reference to the meaning of the clause as it was expressed by the Leader of the Opposition. The Lord Advocate said that if they looked at Clause 3 the case to which the Leader of the Opposition had referred was met. What were the facts? The only case where the value was not to be taken into account was building servitudes. In Scotland, both in large cities like Glasgow and in smaller towns, land was held out and out by the proprietors. At present it was true that when they disposed of the land they did put building restrictions upon it, but that rested entirely upon themselves. If the motive for putting these restrictions was taken away they would not put them on, and that particular exception would not exist. The effect, therefore, and the Leader of the Opposition did not in the least misunderstand, of making it the interest of the proprietor to get an immediate profit would be in a large number of cases to prevent land being sold with building restrictions, which would do precisely what it was sought to prevent.

Mr. URE said the hon. Member was misapprehending the meaning of the Bill. If he (Mr. Ure) shared the view of the Leader of the Opposition in regard to the effect of the measure he would have joined with him in denunciation of it in language fully as strong as the language he used. It would be a very unwise thing to induce men to cover, say, with five-storey buildings, land which, in the interests of the community, would be much better suited for other uses, such as suburban dwellings. The only question they had to consider was how they could value a certain piece of ground on the assumption that the villa was removed. In nine cases out of ten, probably ninety-nine cases out of 100, the valuator would value it as land suitable for a cottage or villa and garden, for the very obvious reason that the use to which it was being put was the proper use, every proprietor being anxious to put his ground to the best possible use. And in ninety-nine cases out of 100 these very building restrictions which had been referred to did not diminish, but increased the value of the ground, and also enormously increased the value of the ground round about. Wherever they had an ordinary case of a villa and garden at the present moment they were valued as one. What the Amendment suggested was that they should always be valued as if it would always be in the condition in which they found it. They would be so valued so long as the ground remained, in the opinion of the assessor and valuator, ground suitable for a villa or cottage and garden, and so long as the environment suggested to the valuator suburban ground devoted to its best objects. He would only value it as building land where, as in many instances, it would be put to its best use when tenements were erected, where they found, as they did find in towns, men holding up a bit of garden ground with a house which was practically unsaleable simply because it was surrounded by streets and the owner was waiting until he found a purchaser at a high figure. That was the only case where garden ground with a villa would be valued as building land.

Mr. MITCHELL-THOMSON said that the hon. and learned Gentleman's speech was extraordinary. He took the case of a villa or a cottage with a garden attached and said that that was perfectly safe under the operation of the Bill because it was certain that the assessor in nine cases out of ten would value it as being put to its best possible use. The whole case on which the Bill rested, he thought, was that land was not being put to its best use, and the Bill was going to remedy that. What was the best possible use? Its most productive use for the owner and for the community. If they took the case of rows of tenements which had been erected in Glasgow they would see what it meant. The owner had erected rows of workmen's houses, some of them two storeys, some of them single storey buildings with a garden in front. What was going to be the position in regard to those houses under the Bill? Did they suppose for one moment that the owner was going to continue those houses in the state in which they now were? Did the Solicitor-General say that any assessor would not increase the assessment in respect of that land? The local authority would have to get as broad a basis for rating as possible, and did the hon. and learned Gentleman suppose for one moment that when the assessment was increased those single storey workmen's cottages with a garden in front would be the best possible use for the land. If that was the basis of the hon. and learned Gentleman's argument he could not agree with him.

Question put.

The House divided :—Ayes, 49; Noes, 199. (Division List No. 444.)

AYES.

Arkwright, John Stanhope
Ashley, W. W.
Balfour,RtHn.A.J.(City Lond.)
Banner, John S. Harmood-
Barrie, H.T. (Londonderry, N.)
Beach Hn. Michael Hugh Hicks
Bowles, G. Stewart
Bridgeman, W. Clive
Bull, Sir William James
Campbell, Rt. Hon. J. H. M.
Carlile, E. Hildred
Cavendish,Rt.Hon.Victor C.W.
Cecil, Lord John P., Joicey-
Chamberlain,RtHn.J.A. (Worc.
Cheetham, John Frederick
Cochrane, Hon. Thos. H. A. E.
Courthope, G. Loyd
Craig,Charles Curtis (Antrim,S.
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Everett, R. Lacey
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gibbs, G. A. (Bristol, West)
Gretton, John
Hamilton, Marquess of
Harris, Frederick Leverton
Harrison-Broadley, H. B.
Hay, Hon. Claude George
Henderson,J.M.(Aberdeen, W.)
Hills, J. W.
Hunt, Rowland
Kennaway,Rt. Hn. Sir John H.
Kimber, Sir Henry
Law, Andrew Bonar (Dulwich)
Long,Rt.Hn.Walter (Dublin, S.
Nield, Herbert
Pease,Herbert Pike (Darlington
Remnant, James Farquharson
Roberts, S.(Sheffield, Ecclesall)
Ronaldshay, Earl of
Salter, Arthur Clavell
Sloan, Thomas Henry
Staveley-Hill, Henry (Staff'sh)
Tennant, Sir Edward(Salisbury
Thomson,W.Mitchell-(Lanark)
Vincent, Col. Sir C. E. Howard
Younger, Gorge

Tellers for the Ayes—Sir Alexander Acland-Hood and Viscount Valentia.

NOES.

Abraham, William (Cork, N.E.)
Abraham, William (Rhondda)
Ainsworth, John Stirling
Ambrose, Robert
Asquith, RtHn. HerbertHenry
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barnard, E. B.
Barnes, G. N.
Barry, Redmond J. (Tyrone, N.)
Beaumont, Hon. Hubert
Benn, W.(T'w'rHamlets, S.Geo.)
Birrell, Rt. Hon. Augustine
Bowerman, C. W.
Brace, William
Branch, James
Brigg, John
Brodie, H. C.
Brunner, J.F.L. (Lancs., Leigh)
Buchanan, Thomas Ryburn
Burns, Rt. Hon. John
Byles, William Pollard
Carr-Gomm, H. W.
Causton, Rt. Hn. RichardKnight
Cawley, Sir Frederick
Chance, Frederick William
Cherry, Rt. Hon. R. R.
Clough, William
Clynes, J. R.
Collins, Stephen (Lambeth)
Collins, SirWm.J.(S.Pancras, W.
Condon, Thomas Joseph
Cooper, G. J.
Corbett, CH(Sussex, E.Grinst'd
Cory, Clifford John
Cowan, W. H.
Craig, Herbert J. (Tynemouth)
Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Cullinan, J.
Curran, Peter Francis
Delany, William
Devlin, Joseph
Dewar, Arthur (Edinburgh, S.)
Dickinson, W.H.(St.Pancras, N.
Donelan, Captain A.
Duffy, William J.
Duncan, C.(Barrow-in-Furness
Dunn, A. Edwards (Camborne)
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Farrell, James Patrick
Fenwick, Charles
Ferens, T. R.
Ferguson, R. C. Munro
Ffrench, Peter
Field, William
Findlay, Alexander
Flavin, Michael Joseph
Freeman-Thomas, Freeman
Fuller, John Michael F.
Gill, A. H.
Ginnell, L.
Gladstone, RtHn. Herbert John
Glover, Thomas
Goddard, Daniel Ford
Gurdon, Rt.Hn.SirW.Brampton
Gwynn, Stephen Lucius
Halpin, J.
Hammond, John
Harmsworth, Cecil B. (Worc'r)
Harmsworth, R.L.(Caithn'ss-sh)
Harvey, W.E.(Derbyshire, N.E
Haworth, Arthur A.
Hayden, John Patrick
Hazel, Dr. A. E.
Hazleton, Richard
Healy, Timothy Michael
Helme, Norval Watson
Henry, Charles S.
Higham, John Sharp
Hobart, Sir Robert
Hobhouse, Charles E. H.
Hogan, Michael
Holt, Richard Durning
Howard, Hon. Geoffrey
Illingworth, Percy H.
Jardine, Sir J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jowett, F. W.
Joyce, Michael
Kekewich, Sir George
Kennedy, Vincent Paul
Laidlaw, Robert
Lambert, George
Lamont, Norman
Lardner, James Carrige Rushe
Lever, A.Levy (Essex, Harwich
Lewis, John Herbert
Lough, Thomas
Lundon, W.
Lyell, Charles Henry
Lynch, H. B.
Mackarness, Frederic C.
MacNeill, John Gordon Swift
Macpherson, J. T.
MacVeagh, Jeremiah (Down, S.
MacVeigh, Charles (Donegal, E.)
M'Callum, John M.
M'Crae, George
M'Hugh, Patrick A.
M'Kenna, Rt. Hon. Reginald
Maddison, Frederick
Markham, Arthur Basil
Marks, G.Croydon (Launceston)
Meehan, Patrick A.
Menzies, Walter
Micklem, Nathaniel
Montgomery, H. G.
Mooney, J. J.
Morgan, J.Lloyd (Carmarthen)
Morrell, Philip
Muldoon, John
Murphy, John (Kerry, East)
Murphy, N. J. (Kilkenny, S.)
Nicholls, George
Nicholson, CharlesN.(Doncaster
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien, Kendal (TipperaryMid
O'Brien, Patrick (Kilkenny)
O'Connor, T. P. (Liverpool)
O'Doherty, Philip
O'Donnell, C. J. (Walworth)
O'Donnell, T. (Kerry, W.)
O'Grady, J.
O'Malley, William
Parker, James (Halifax)
Paulton, James Mellor
Pearce, Robert (Staffs, Leek)
Pearson, W.H.M. (Suffolk, Eye)
Pirie, Duncan V.
Power, Patrick Joseph
Price, C.E.(Edinburgh, Central)
Radford, G. H.
Rainy, A. Rolland
Reddy, M.
Redmond, John E. (Waterford)
Richards, Thomas (W.Monm'th
Richards, T. F. (Wolverh'mpt'n
Rickett, J. Compton
Roberts, G. H. (Norwich)
Robertson, SirG.Scott(Bradford
Robertson, J. M. (Tyneside)
Robinson, S.
Roe, Sir Thomas
Rowlands, J.
Russell, T. W.
Samuel, S. M. (Whitechapel)
Scott, A.H.(Ashton-under-Lyne
Shaw, Rt. Hon. T. (Hawick B.)
Sheehy, David
Silcock, Thomas Ball
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smyth, Thomas F.(Leitrim, S.)
Stanley, Albert (Staffs., N.W.)
Stanley, Hn.A.Lyulph (Chesh.)
Strachey, Sir Edward
Strauss, E. A. (Abingdon)
Summerbell, T.
Taylor, John W. (Durham)
Thompson, J.W.H.(Somerset, E.
Toulmin, George
Trevelyan, Charles Philips
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walsh, Stephen
Ward, W.Dudley(Southampton
Wardle, George J.
Waring, Walter
Waterlow, D. S.
Wedgwood, Josiah C.
White, J. D. (Dumbartonshire)
White, Patrick (Meath, North)
Whithead, Rowland
Whitley, John Henry (Halifax)
Wiles, Thomas
Wilson, Henry J. (York, W.R.)
Wilson, John (Durham, Mid)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)

Tellers for the Noes—Mr. Whiteley and Mr. J. A. Pease.

*Mr. YOUNGER moved the following new subsection: "The capital value of the land on which no building is situated and which is not capable of being sold or disposed of with an obligation to build thereon immediately shall be estimated with reference to its fitness for purposes other than building purposes." The words were meant to afford some protection to land which was only of prospective building value and which should not be assessed too highly. The Solicitor-General placed a blind confidence in the assessor, but in that he could not share. He knew the kind of assessors sent down from London to Scotland. They were young men sent from Somerset House and they had not had much experience. He did not think they were people who ought to be let loose in that way unless the owners were given some kind of protection against them. The words he had proposed afforded that protection by which they would probably be able to avoid some cases of grave injustice. They had heard that in Glasgow alone there were 3,600 acres while all that was required annually were only sixty acres of land. When it was remembered that Glasgow had great schemes of further extension in hand, it seemed desirable that some notice should be taken of the difficulties of the situation. The Lord Advocate was well aware that, if a heavy tax were put on land which was not only not immediately ripe for building but which for many years would not be ripe for that purpose, he would make it impossible for the existing owner to hold the land for that time. The present owner would be the only man who would suffer loss, for the man who bought the land would discount the loss by allowing for the tax when he made the purchase. He would do as was done in New York; he would make a certain amount of profit on it and then sell it to someone else. Eventually the land would get into the hands of syndicates as in New York. One of the objects of that Bill was to make land cheaper for building purposes, but that object would be defeated, for in the hands of syndicates the result would be the same as in New York, the land would be dearer. That had been the effect in New York, and it would be the effect here unless some such words as he had proposed were added. He thought the Amendment was a very reasonable one, and he submitted it with some confidence to the right hon. Gentleman.

MR. CHARLES CRAIG seconded.

Amendment proposed—

"In page 1, line 15, at the end to insert the words, 'The capital value of land on which no building is situate and which is not capable of being sold or disposed of with an obligation to build thereon immediately shall be estimated with reference to its fitness for purposes other than building purposes.'"—(*Mr. Younger.*)

Question proposed, "That those words be there inserted."

*MR. THOMAS SHAW said it was quite plain that the object of the Amendment was to keep out of the valuation land which was not now capable of being sold for building purposes. The proper test, he held, was the ordinary market test. There might be a possibility of the land being built on in the next year or in two or three years. The proper test was the market value. To try to keep the land out of the valuation by an artificial process and to make the valuation on the principle that it was only to be valued for agricultural purposes and as though buildings were not to be placed on it, was altogether contrary to the system under which land was sold in the open market.

MR. COCHRANE thought that the Lord Advocate had somewhat easily passed over the point. If he understood his hon. friend aright he meant that land should not have a fictitious value put on it which could not be obtained in the open market. Let them take the case of Glasgow, where there were some 5,000 acres of agricultural land within the borough boundaries. Of that quantity of land only about sixty acres was secured to be built over, and there were therefore nearly 3,000 acres of agricultural land in Glasgow which was ripening for building purposes.

*MR. THOMAS SHAW said that if he might interrupt the hon. Gentleman for a moment he thought he could explain the point. All that the hon. Gentleman had said would necessarily be taken into account. The postponement of realisable value was always taken into account in the market value.

MR. COCHRANE, continuing, said that the duties placed on the assessors under the Bill would necessitate the display of almost superhuman intelligence and ability. The Lord Advocate had quoted with approval the Minority Report of the Royal Commission on Taxation in 1901, but he only did so in so far as it suited his purpose. He (Mr. Cochrane) would call attention to the fact that the Minority Report of that Commission specifically and directly recommended that land which was only ripening for building purposes should not be estimated upon its capital value. He ventured to assert that the arguments which had been brought forward by his hon. friend had in no sense been answered. Great injustice would be done to a man if they valued his land at a price which it would not be possible for him to obtain for any reasonable number of years.

Question put.

The House divided :—Ayes, 41 ; Noes, 188. (Division List No. 445.)

AYES.

Acland-Hood, RtHn. SirAlex. F.
Arkwright, John Stanhope
Ashley, W. W.
Balfour, RtHn. A.J.(CityLond.)
Barrie, H. T. (Londonderry, N.
Beach, H. Michael Hugh Hicks
Bowles, G. Stewart
Bridgeman, W. Clive
Campbell, Rt. Hon. J. H. M.
Carlile, E. Hildred
Cavendish, Rt. Hn. VictorC.W.
Cecil, Lord John P. Joicey-
Chamberlain, RtHn. J.A.(Worc.
Cochrane, Hon. Thos. H. A. E.
Courthope, G. Loyd
Craig, CharlesCurtis (Antrim, S.
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Everett, R. Lacey
Fetherstonhaugh, Godfrey
Forster, Henry William
Gibbs, G. A. (Bristol, West)
Gretton, John
Hamilton, Marquess of
Harris, Frederick Leverton
Harrison-Broadley, H. B.
Hills, J. W.
Hunt, Rowland
Kennaway, Rt. Hn. Sir John H.
Kimber, Sir Henry
Law, Andrew Bonar (Dulwich)
Long, Rt. Hn. Walter (Dublin, S.
Pease, Herbert Pike (Darlington
Remnant, James Farquharson
Roberts, S. (Sheffield, Ecclesall)
Ronaldshay, Earl of
Sloan, Thomas Henry
Staveley-Hill, Henry (Staff'sh.)
Tennant, Sir Edward (Salisbury
Thomson, W. Mitchell-(Lanark)
Valentia, Viscount

TELLERS FOR THE AYES—Mr. Younger and Sir William Bull.

NOES.

Abraham, William (Cork, N. E.)
Abraham, William (Rhondda)
Ainsworth, John Stirling
Ambrose, Robert
Asquith, Rt. Hn. Herbert Henry
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barnard, E. B.
Barnes, G. N.
Barry, Redmond J. (Tyrone, N.)
Beaumont, Hon. Hubert
Benn, W. (T'w'r Hamlets, S. Geo.)
Birrell, Rt. Hon. Augustine
Bowerman, C. W.
Brace, William
Branch, James
Brigg, John
Brodie, H. C.
Brunner, J.F.L. (Lancs., Leigh)
Burke, E. Haviland-
Burns, Rt. Hon. John
Byles, William Pollard
Carr-Gomm, H. W.
Causton, Rt. Hn. Richard Knight
Cawley, Sir Frederick
Chance, Frederick William
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Clough, William
Clynes, J. R.
Collins, Stephen (Lambeth)
Collins, Sir W. J. (S. Pancras, W.
Condon, Thomas Joseph
Cooper, G. J.
Corbett, C. H. (Sussex, E. Grinst'd
Cory, Clifford John
Cowan, W. H.
Craig, Herbert J. (Tynemouth)
Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Cullinan, J.
Curran, Peter Francis
Delany, William
Devlin, Joseph
Dewar, Arthur (Edinburgh, S.)
Dickinson, W.H. (St. Pancras, N.
Donelan, Captain A.
Duffy, William J.
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Farrell, James Patrick
Fenwick, Charles
Ferguson, R. C. Munro
Ffrench, Peter
Field, William
Findlay, Alexander
Flavin, Michael Joseph
Freeman-Thomas, Freeman
Fuller, John Michael F.
Gill, A. H.
Ginnell, L.
Gladstone, Rt. Hn. Herbert John
Glover, Thomas
Goddard, Daniel Ford
Gulland, John W.
Gurdon, Rt Hn. Sir W. Brampton
Gwynn, Stephen Lucius
Halpin, J.
Hammond, John
Harmsworth, Cecil B. (Worc'r)
Harmsworth, R. L. (Caithn'ss-sh
Harvey, W. E. (Derbyshire, N.E.
Haworth, Arthur A.
Hayden, John Patrick
Hazel, Dr. A. E.
Healy, Timothy Michael
Helme, Norval Watson
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Hogan, Michael
Holt, Richard Durning
Howard, Hon. Geoffrey
Illingworth, Percy H.
Jardine, Sir J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jowett, F. W.
Joyce, Michael
Kekewich, Sir George
Kennedy, Vincent Paul
Lambert, George
Lamont, Norman
Lardner, James Carrige Rushe
Lewis, John Herbert
Lough, Thomas
Lundon, W.
Lyell, Charles Henry
Lynch, H. B.
Mackarness, Frederic C.

MacNeill, John Gordon Swift
Macpherson, J. T.
MacVeigh, Charles(Donegal, E.
M'Callum, John M.
M'Crae, George
M'Hugh, Patrick A.
M'Kenna, Rt. Hon. Reginald
M'Killop, W.
Maddison, Frederick
Manfield, Harry (Northants)
Markham, Arthur Basil
Marks, G.Croydon (Launceston
Meehan, Patrick A.
Menzies, Walter
Montgomery, H. G.
Mooney, J. J.
Morrell, Philip
Muldoon, John
Murphy, John (Kerry, East)
Murphy, N. J. (Kilkenny, S.)
Nicholls, George
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien,Kendal(TipperaryMid.
O'Brien, Patrick (Kilkenny)
O'Connor, T. P. (Liverpool)
O'Doherty, Philip
O'Donnell, C. J. (Walworth)
O'Grady, J.
Parker, James (Halifax)
Paulton, James Mellor
Pearce, Robert (Staffs., Leek)
Pearson, W.H.M.(Suffolk, Eye)
Pirie, Duncan V.
Power, Patrick Joseph
Price,C.E. (Edinburgh,Central)
Radford, G. H.
Rainy, A. Rolland
Reddy, M.
Redmond, John E. (Waterford)
Richards, Thomas(W.Monm'th
Richards, T.F. (Wolverh'mpt'n
Rickett, J. Compton
Roberts, G. H. (Norwich)
Robertson,SirG.Scott(Bradf'rd
Robertson, J. M. (Tyneside)
Robinson, J.
Rowlands, J.
Russell, T. W.
Samuel, S. M. (Whitechapel)
Scott,A.H.(Ashton-under-Lyne
Shaw, Rt. Hon. T. (HawickB.)
Sheehan, Daniel Daniel
Silcock, Thomas Ball
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smyth, Thomas F. (Leitrim, S.)
Stanley, Albert (Staffs., N.W.)
Stanley, Hn.A.Lyulph (Chesh.)
Strachey, Sir Edward
Strauss, E. A. (Abingdon)
Summerbell, T.
Taylor, John W. (Durham)
Thompson,J.W.H.(Somerset,E.
Toulmin, George
Trevelyan, Charles Philips
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walsh, Stephen
Ward,W.Dudley(Southampton
Waring, Walter
Waterlow, D. S.
Wedgwood, Josiah C.
White, J. D. (Dumbartonshire)
White, Patrick (Meath, North)
Whitehead, Rowland
Whitley, John Henry (Halifax)
Wiles, Thomas
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)

Tellers for the Noes—Mr. Whiteley and Mr. J. A. Pease.

Sir HENRY KIMBER (Wandsworth) moved after Subsection (4) to insert the words "but unless Parliament otherwise idetermines by the end of the year 1910, no county or borough shall be bound to continue to incur any expenses in the execution of this Act." He said that Subsection (4) which governed the whole Bill read as follows—

> "Until Parliament otherwise determines no person shall be liable to be taxed or rated in respect of the entry prescribed by this Act."

Hon. Members had already had it brought home to them that the object of the Bill was one that was not described in the measure itself. It was not denied, or at any rate it was accepted by the Lord Advocate, that the Bill was intended to be the foundation of a future Act for rating purposes. Either the rating Bill would be passed, or it would not; and he imagined that if the Lord Advocate did not succeed in passing a Bill for rating he would have no further use for this Bill. If, after a certain time, the Lord Advocate came to the conclusion not to bring in a Bill for rating purposes, or if, having brought it in, the Bill did not pass, then there could be no object in maintaining this Bill in existence. No doubt the Lord Advocate would in that case be very glad to free the authorities from the expense of carrying out the provisions of this Bill, and he hoped therefore that the right hon. Gentleman would accept his very reasonable Amendment.

*Mr. THOMAS SHAW, said it seemed to him that the language of this Amendment was in direct conflict with the decision of the House that there should be in each successive year a valuation roll. That, of course, involved incurring all necessary expenses, and he thought that the Amendment could not possibly be in order.

Sir HENRY KIMBER said that the clause which he was proposing to amend distinctly contemplated the Act not coming into force until after a certain future event—that was to say, the passing of a Rating Bill.

*Mr. SPEAKER said he thought that the Lord Advocate was right. The right hon. Gentleman's contention was that, whether any Bill be at a future time brought in or not, yet for all time the Scottish authorities were to incur this expenditure. He thought the House had already decided that.

Sir HENRY KIMBER: The Act contemplates the possibility of its not coming into operation till a certain further event.

*Mr. SPEAKER: I do not think the Bill contemplates that. What it says is that the Valuation Roll is to be made up until Parliament shall otherwise determine. The expenditure is to be incurred.

Sir HENRY KIMBER asked if he would be in order in moving his Amendment in the form—"unless Parliament otherwise determine by the end of 1910, this Act shall henceforth," and so on.

Mr. HEALY (Louth, N.): That would be a new clause and would require notice.

*Mr. SPEAKER: If the hon. Member wishes to make it a temporary Bill that must be done by a separate clause at the end of the Bill. The time for the insertion of that clause has gone by.

Mr. A. J. BALFOUR moved an Amendment to relieve a proprietor from being called upon by an assessor for a written statement of capital land value. Referring to the penalties for false return under the Bill, he said that when the thing they asked a man to do was easy such a provision might be proper. A man knew what annual value was, but to ask him to provide the capital value of unoccupied agricultural land was actually in some parts of the country to ask for something that did not exist. To demand that he should answer a conundrum which he believed to be insoluble, and punish him by fine or imprisonment if he did not answer, was unmeaning, unintelligent, and impossible of rational justification. If the Government thought this process of obtaining the capital value of cities was so easy and so simple that it could be done at the rate of 6d. per subject—he made a short calculation, and he found the Lord Advocate's estimate of the cost in these big towns worked out at less than 1s.—it was a great injustice to throw that elaborate return on private persons. Why should the official not do it and let the private individual object, if he thought it necessary, in the Courts and before the proper authority? At all events, let the private individual be relieved of the first burden of that new duty. Let the unfortunate proprietor be freed both from the cost which he would be compelled to undergo and the penalties to which he would have to submit, not only if he refused to answer that insoluble riddle, but if he gave an answer which in the opinion of the Courts happened to be wrong.

Amendment proposed—

"In page 2, line 11, after the first 'a,' to insert the word 'proprietor.'"—(*Mr. A. J. Balfour.*)

Question proposed, "That the word 'proprietor' be there inserted."

Mr. THOMAS SHAW said the whole Scottish system began with the individual proprietor. He made a statement to the assessor and negotiated with the assessor. He could imagine very strong arguments proceeding from the right hon. Gentleman if it had been proposed to value a man's land behind his back or over his head by means of a public official. He would have said: "Why have you abandoned the ordinary Scottish system of asking the man who knows his own property?" The Government did not in the clause propose to ask for a statement of capital value from tenant or occupier. A very little negotiation and a few calculations between assessor and proprietor would settle the matter without lawyers or anybody else being employed. A man had usually a fair notion of the value of what belonged to him. With regard to the question of penalties, it was not so serious as the right hon. Gentleman made out. The seventh Clause of the Act of 1854, provided that a penalty of £20 should be imposed upon those who defied the law without any reasonable excuse and sent in no return at all. For a false return a penalty of £50 was imposed and quite rightly, but not in the ordinary case of valuation, because the language of the section which was adopted was that the falsehood must be to the knowledge of the person. He must "know the same to be false" before a fine could be inflicted. In short, the penalties need not frighten anybody. Neither expense nor any other reason could affect the fair and simple operation of the clause. In reference to the view that there might be a good deal of bustle and trouble imposed on the proprietor the first year on account of the limit of time, he had made a suggestion in regard to the next Amendment on the Paper which he thought reasonable, and that was to provide a period of six months before the proprietor had to put out his hand.

MR. A. J. BALFOUR said that in view of the manner in which the Lord Advocate had dealt with the matter he would not put the House to the trouble of dividing. The right hon. and learned Gentleman having said that nobody need be afraid of any penalties unless they made a return which they knew to be false. Frankly, though he (Mr. Balfour) would not make a return which he knew to be false, he certainly might make a return which he shrewdly suspected was not true. He would be asked a question to which no veracious answer could be given by any human being—what was the value of a piece of agricultural land which was supposed to be in a condition in which it had never been and in that condition to be put up for a sale which no human being supposed was a possible operation. He had to put himself in the position of the willing seller of that which he did not possess, namely unoccupied or unimproved land, which he was supposed to sell to some imaginary buyer in an imaginary market. A question of that kind was not a question to which an answer could be given, and under such a form of torture a man could not actually know whether he was inserting the truth or not. He honestly trusted that those frank admissions would not bring trouble upon him and that he would not languish in gaol for them.

MR. T. M. HEALY: The hon. Gentleman may take comfort that he will not be tried by two removables.

Amendment, by leave, withdrawn.

MR. STAVELEY-HILL moved to insert after the word "value" the words "or to call upon a proprietor to furnish such written statement within a shorter period than six calendar months."

Amendment proposed—

"In page 2, line 12, after the word 'value' to insert the words 'or to call upon a proprietor to furnish such written statement within six calendar months.'"—(*Mr. Staveley-Hill.*)

Question proposed, "That those words be there inserted."

MR. THOMAS SHAW said that the first year was the crucial year. With regard to succeeding years, he did not doubt that the powers of the Secretary for Scotland would be exercised if it was necessary to widen the period. He had such power. The Government were quite willing to accept the six months' if it would suit his hon. friends.

*MR. STAVELEY-HILL said the reason why he moved the Amendment was that the period of fourteen days mentioned in the principal Act was far too short a period for the first or any other year.

Question put, and agreed to.

MR. COCHRANE said the right hon. Gentleman had promised to give an explanation of the meaning of the words in page 2, line 22, from "roll" to the end of Subsection 1 which he (Mr. Cochrane) had an Amendment on the Paper to omit. The words in the Bill in the subsection of Clause 3 were, "'Valuation Acts' means the Lands Valuation (Scotland) Act, 1854, (in this Act referred to as the principal Act), and any Act (other than this Act) amending the same." The Lord Advocate had promised to clear the point up, and had said he would insert words on the Report stage to make the meaning clear. He understood that the Lord Advocate did not desire to alter the coming into force of the Valuation Act of 1854, for that would be obviously inconvenient, but he did desire to alter the coming into force of that particular Bill if it became an Act of Parliament.

Amendment proposed—

"In page 2, line 22, to leave out from the word 'roll' to end of Subsection 1 of clause 2."—(*Mr. Cochrane.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. THOMAS SHAW said that on consideration by the drafting authority, it appeared to be clear that the references to the Valuation Act, though general and exclusive of that Bill, were safeguarded when they came to line 29 which declared that the Valuation Act was to apply for the purposes of that Act.

Amendment, by leave, withdrawn.

*MR. STAVELEY-HILL, on behalf of the hon. and learned Member for Taunton, moved an Amendment which, he said, was to bring the clause within the ordinary principles of the law of rating. One of the elements of the law of rating was that rates should be paid in respect to occupancy. He wanted to know why it was they were going to lump together the various occupants of flats and tenements, and who was going to apportion the rateable value of each of those occupants. If there was to be any apportionment it should be under the Bill. Why was the law of rating to be different from that in London, where in the case of flats or tenements a separate assessment was made for the occupants? If no such assessment were made the occupant would have no right to appeal, for the only right to appeal existed through a person having his name on the rate book.

MR. GRETTON seconded.

Amendment proposed—

> "In page 2, line 42, at end, to add the words 'but the assessor shall in all cases as far as possible apportion the separate capital land value in respect of each occupancy, and, if he cannot do so, shall deliver to the valuation committee of each county, district, or burgh a detailed statement of the causes which have prevented him from so apportioning the capital land value in any case, and this statement shall be accessible to any proprietor or occupier of the lands and heritages affected thereby."—(*Mr. Staveley-Hill.*)

Question proposed, "That those words be there inserted."

MR. THOMAS SHAW said he was not quite sure that the Amendment was in order in view of lines 11 and 12, which said "subject as hereinafter provided there shall be entered under the last named head the capital land value." He did not press that point, however. They conceived that the procedure the hon. Member proposed would be cumbrous. It would involve a detailed statement which would not be in consonance with the Scottish idea of rating. They preferred to let the valuation roll speak for itself.

MR. YOUNGER said he did not think the right hon. Gentleman had given a very satisfactory explanation of the situation. He had come in late, otherwise he would have moved an Amendment in another part of the Paper. That was a question in which they had the difficulty of valuing the rating in tenements where the different storeys were occupied or owned by different people. The right hon. Gentleman wanted to leave to the assessor the power of placing the value against one of those owners or occupants, selecting which he pleased and placing the whole value against him. That rule was most unfair, for each person was entitled to have his proportion placed against his own name so that he could understand his liability and what rates he had to pay. It was a very difficult question, as no one knew better than the Lord Advocate himself, who, as usual, looked it straight in the face and passed on. The assessor would take the easiest way out of the difficulty and never attempt to proportion the value at all. That was a very unsatisfactory position and something should be done to remedy it.

Question put, and negatived.

MR. J. M. HENDERSON moved to leave out the words "by a willing seller." He said the Amendment was one which he thought his right hon. friend might well accept. The words which he proposed to leave out were not in the original Bill, but were put in on the motion of the hon. Member for Marylebone. The Bill said originally that the price was to be what the land might be expected to realise if sold in the open market, but the expression was put in—

> "If sold by a willing seller to a willing buyer."

He could not understand why his right hon. friend could not agree to those words being struck out, for they meant nothing, though if they did mean anything they would put a great power in the hands of the assessor. The assessor might say to the owner of the land: "You value this property at £1,000, I assess it at £1,500. You cannot say you are not a willing seller at £1,500."

MR. YOUNGER seconded the Amendment. He said they were labouring under a disability in not having the Scottish Law Officers of the Crown to tell them what the meaning of the words was. The words were put in to save them from the assessor who might adopt some fictitious price. They had a case recently where £100,000 was given for an agricultural site under exceptional circumstances. Was the meaning of the clause in law that a willling seller was a person who was willing to sell his land without placing any fictitious value on it and who was willing to sell at the ordinary market price?

MR. THOMAS SHAW said a willing seller was a man who was willing to place his property in the open market. The object they had in accepting the words was to satisfy the hon. Member who moved that they should be inserted and who seemed to be anxious that they should go in. None of the members of the Committee saw any objection to them. Now they rather liked the words and he proposed to retain them.

Amendment proposed—

In page 3, line 15, to leave out the words 'by a willing seller.'"—(*Mr. John Henderson.*)

Question proposed "That the words proposed to be left out stand part of the Bill."

MR. AUSTEN CHAMBERLAIN said he wished to move an Amendment which arose out of a discussion earlier in the evening as to the effect of the Bill on garden grounds attached to houses. After he and some of his friends had spoken the Solicitor-General gave his view of what the action of the Bill would be, and it was that view which he proposed to import into the clause. What he proposed to do was to insert after the word "valuations" in line 16, the words "for use in the way in which it is at present used if such use is reasonable." The objection they had to the clause as it at present stood was that it would make it impossible to maintain gardens which were ordinarily attached to villa residences in the suburbs of our great towns, which were frequently attached to workmen's houses, and which they should desire to encourage rather than repress. The argument of the Solicitor-General was that the valuer would inquire whether the use to which the land was put was reasonable. Applying that test in nine cases out of ten or ninety-nine cases out of a hundred the valuer would say the use of the ground or garden ground attached to a villa or workman's house was not reasonable, and that it was to be valued at the rate a willing seller would take for it in the open market. The purchaser not being bound to retain it as garden ground would be willing to give a much larger sum for it than he possibly could do if it was to be used as a garden. He had taken the very words the Solicitor-General had used as to the meaning of the clause. They were not in the Bill as he read it. The Bill was in contradiction to what the Solicitor-General had said it was intended to mean. If the words were surplusage they were at least harmless surplusage. They carried out what the Solicitor-General said in explaining the intentions of the Government, and he hoped the Government would accept them. They applied not merely to the case of small gardens attached to villa residences or to workmen's cottages, but to other cases he had mentioned of land which had a building value, such as allotment gardens possibly within the limits of a borough, but certainly within an area where it would have a building value. He hoped that, as he had taken the words from the Solicitor-General, the Lord Advocate would accept the Amendment.

Amendment proposed—

"In page 3, line 16, after the word 'valuation' to insert the words 'for use in the way in which they are at present used if such use is reasonable."—(*Mr. Austen Chamberlain.*)

Question proposed, "That those words be there inserted."

MR. THOMAS SHAW said he hoped that in the observations he was about to make the right hon. Gentleman would not misunderstand him. He appreciated entirely the motives with which he had moved the Amendment, and he did not dissent from the view of the right hon. Gentleman as to the value of open spaces, whether large public parks or grounds attached to villas or workmen's houses. But that would all very properly arise on the question of rating. It need not arise on the question of valuation. The advantage of it arising on the question of rating was this. He could conceive an authority which had to assess values saying that it would not permit values to be depressed by reason of landowners withholding what were apparently "lungs" from a good municipal use, but, on the other hand, if the owner was reasonable in the matter of preserving public spaces the authority would assess on that lower value after making some arrangement for keeping the space open for public use.

MR. AUSTEN CHAMBERLAIN said he could not accept the reply of the Lord Advocate as being at all satisfactory. He did not think that the right hon. Gentleman had altogether appreciated his point, or else he (Mr. Chamberlain) had failed to appreciate the right hon. Gentleman's objection. He understood that the object in the Bill was to ascertain the facts concerning land values with a view to making those facts the basis of a reform in local rating. It followed that what the right hon. Gentleman wanted to ascertain were the values on which he could rate. The value which the Lord Advocate was now interested in obtaining for these grounds was a value on which he did not even pretend it would be fair to rate as it would be as land fully built over. Then the Lord Advocate suggested that he could conceive when they came to the Rating Bill that it might approve itself to the House, or to the people who were drafting such a Bill, that after they had brought all land within the ambit of the local authority—whatever that phrase might mean—the local authority might be empowered to grant an abatement of charge in respect of land of this character if they were able to secure that the land should be permanently so used. That did not meet his (Mr. Chamberlain's) case at all. He did not think that the discretion ought to be left to the local authority in any case, but that it ought to be settled by the House of Commons. He wanted to meet the case of land which was going to be built over. He knew of a case where there was land which some day or other would have to be built over, and the owner of it would undoubtedly get a much larger revenue from it if it was built over to-morrow. Some day or other that man, or his heirs, would be forced to put that land in the market as building land, but he (Mr. Chamberlain) contended that the Government ought not to want to force him to put it in the market a day before his own circumstances obliged him to do so. The Government should, on the other hand, make it easy for him to keep the land as garden land, allotment land, or as land attached to houses for gardening purposes as long as he could. He could not think that the Lord Advocate's suggested remedy in any way met the point he was raising.

MR. BONAR LAW said that if the Lord Advocate was right in suggesting that questions of this kind should be left until the Rating Bill, there seemed to him to be no use at all in having a Valuation Bill. It had been suggested from that side of the House that as the Government only wanted to have a basis for assessment there would be no use in having an annual valuation. He was bound to point out to the right hon. Gentleman that there never was a subject on which it was more important that there should be some line laid down on which the assessors should go. As the Bill stood, it appeared to be entirely a question of what an individual man thought was likely to be fair. If the Solicitor-General was in earnest in saying that what the assessors would do would be to value the land for the purpose for which it was used then he was bound to express that intention in the Bill. This was a matter well worth discussing, and if the law officers refused to consider the proposal he was afraid it would be a case of taking the readiest way of getting out of the difficulty which met them. They assumed that the opinion they held now was going to be the opinion of those who carried out the Act, but the Opposition had a right to contest that, and to say that the intention of the Government should be clearly expressed in the Bill.

Question put.

The House divided :—Ayes, 35 ; Noes 177. (Division List No. 446.)

AYES.

Arkwright, John Stanhope
Ashley, W. W.
Balfour,RtHnA.J.(CityLond.)
Barrie, H. T. (Londonderry,N.)
Beach,Hn.Michael HughHicks
Bowles, G. Stewart
Bridgeman, W. Clive
Campbell, Rt. Hon. J. H. M.
Carlile, E. Hildred
Cavendish, Rt. Hn. Victor C.W.
Cecil, Lord John P. Joicey-
Chamberlain,RtHn.J.A.(Worc.
Cochrane, Hon. Thos. H. A. E.
Courthope, G. Loyd
Craig,Charles Curtis(Antrim,S.
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Fetherstonhaugh, Godfrey
Gibbs, G. A. (Bristol, West)
Gretton, John
Hamilton, Marquess of
Harris, Frederick Leverton
Harrison-Broadley, H. B.
Hills, J. W.
Hunt, Rowland
Kennaway, Rt.Hn.Sir John H.
Law, Andrew Bonar (Dulwich)
Long,Rt.Hn.Walter (Dublin,S.
Remnant, James Farquharson
Roberts,S.(Sheffield,Ecclesall)
Ronaldshay, Earl of
Sloan, Thomas Henry
Staveley-Hill, Henry (Staffsh.)
Thomson,W.Mitchell-(Lanark)
Younger, George

TELLERS FOR THE AYES—Sir Alexander Acland-Hood and Mr. Forster.

NOES.

Abraham, William (Cork, N.E.)
Abraham, William (Rhondda)
Ainsworth, John Stirling
Ambrose, Robert
Asquith,Rt.Hn.HerbertHenry
Baring, Godfrey (Isle of Wight)
Barnard, E. B.
Barnes, G. N.
Barry,Redmond J.(Tyrone,N.)
Benn,W(TowerHamlets,S.Geo
Birrell, Rt. Hon. Augustine
Bowerman, C. W.
Brace, William
Branch, James
Brodie, H. C.
Brunner,J.F.L.(Lancs.,Leigh)
Burke, E. Haviland-
Burns, Rt. Hon. John
Byles, William Pollard
Carr-Gomm, H. W.
Causton,Rt.Hn.RichardKnight
Cawley, Sir Frederick
Chance, Frederick William
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Churchill, Rt. Hon. Winston S.
Clancy, John Joseph
Clough, William
Clynes, J. R.
Collins, Stephen (Lambeth)
Collins,Sir Wm.J(S.Pancras,W.
Cooper, G. J.
Corbett,CH(Sussex,E.Grinst'd
Cowan, W. H.
Craig, Herbert J. (Tynemouth)
Crooks, William
Crossley, William J.
Cullinan, J.
Curran, Peter Francis
Delany, William
Devlin, Joseph
Dewar, Arthur (Edinburgh, S.)
Dickinson,W.H.(St.Pancras,N.
Donelan, Captain A.
Duffy, William J.
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Everett, R. Lacey
Farrell, James Patrick
Fenwick, Charles
Ferguson, R. C. Munro
Ffrench, Peter
Field, William
Findlay, Alexander
Flavin, Michael Joseph
Fuller, John Michael F.
Gill, A. H.
Ginnell, L.
Gladstone,RtHn.Herbert John
Glover, Thomas
Goddard, Daniel Ford
Gulland, John W.
Gwynn, Stephen Lucius
Haldane, Rt. Hon. Richard B.
Halpin, J.
Hammond, John
Harmsworth,Cecil B.(Worc'r)
Harmsworth,R.L.(Caithness-sh
Harvey,W.E.(Derbyshire,N.E..
Haworth, Arthur A.
Hazel, Dr. A. E.
Healy, Timothy Michael
Helme, Norval Watson
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Hogan, Michael
Holt, Richard Durning
Howard, Hon. Geoffrey
Illingworth, Percy H.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jowett, F. W.
Joyce, Michael
Kekewich, Sir George
Kennedy, Vincent Paul
Lamont, Norman
Lardner, James Carrige Rushe
Lewis, John Herbert
Lundon, W.
Lyell, Charles Henry
Mackarness, Frederic C.
MacNeill, John Gordon Swift
Macpherson, J. T.
MacVeigh,Charles (Donegal,E.)
M‘Callum, John M.
M‘Crae, George
M‘Hugh, Patrick A.
M‘Kean, John
M‘Killop, W.
Maddison, Frederick
Manfield, Harry (Northants)
Markham, Arthur Basil
Meehan, Patrick A.
Menzies, Walter
Montgomery, H. G.
Mooney, J. J.
Morrell, Philip
Muldoon, John
Murphy, John (Kerry, East)
Murphy, N. J. (Kilkenny, S.)
Nicholls, George
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien,Kendal(TipperaryMid)
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Connor, T. P. (Liverpool)
O'Doherty, Philip
O'Donnell, C. J. (Walworth)
O'Grady, J.
O'Malley, William
Parker, James (Halifax)
Paulton, James Mellor
Pearce,Robert (Staffs, Leek)
Pearson,W.H.M.(Suffolk,Eye)
Pirie, Duncan V.
Power, Patrick Joseph
Price,C.E.(Edinburgh,Central)
Radford, G. H.
Rainy, A. Rolland
Reddy, M.
Redmond, John E. (Waterford)

Redmond, William (Clare)
Richards, Thomas (W. Monmt'h
Richards, T. F. (Wolverh'mpt'n
Rickett, J. Compton
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott (Bradf'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Rowlands, J.
Russell, T. W.
Samuel, S. M. (Whitechapel)
Scott, A. H. (Ashton-under-Lyne
Shaw, Rt. Hn. T. (Hawick B.)
Silcock, Thomas Ball
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smyth, Thomas F. (Leitrim, S.)
Stanley, Albert (Staffs., N.W.)
Stanley, Hn. A. Lyulph (Chesh.
Strachey, Sir Edward
Strauss, E. A. (Abingdon)
Summerbell, T.
Taylor, John W. (Durham)
Tennant, Sir Edward (Salisbury)
Toulmin, George
Trevelyan, Charles Philips
Ure, Alexander
Vivian, Henry
Walsh, Stephen
Waterlow, D. S.
Wedgwood, Josiah C.
White, J. D. (Dumbartonshire)
White, Patrick (Meath, North)
Whitehead, Rowland
Whitley, John Henry (Halifax)
Wiles, Thomas
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)

TELLERS FOR THE NOES—Mr. Whiteley and Mr. J. A. Pease.

MR. COCHRANE moved to amend the definition clause, so that "capital land value" in reference to any lands and heritages should mean the sum which such lands and heritages might be expected to realise in the open market at the time of the valuation if—(1) divested of "all improvements in, under, or upon lands and heritages or treatment thereof, so as to equip them for occupation or use, without prejudice to the above generality, *inter alia*, buildings, erections or structures of whatever nature in, on, or under the soil, fixed or attached, machinery, reclamation, embanking, levelling, subsoiling, trenching, planting, clearing, cultivation, provision of water supply, drainage or sewerage, and formation of roads, footpaths, or fences." The Lord Advocate had already adopted some part of his definition of improvements. Now he proposed to put in the definition of improvements the value of which was to be excluded, the value of the land now put under drainage. This was a point of considerable importance. The object of the right hon. Gentleman he had stated was to facilitate rather than retard improvements. One of the greatest improvements was drainage when they were dealing with agricultural land, and so far the right hon. Gentleman had not included drainage. Now he put it in in a rather ambiguous form. What he desired to have was an assurance that the results of drainage should be considered when they wished to fix the selling price of prairie land. Then again, n his Amendment, he defined improvements generally. The right hon. Gentleman limited his improvements. He had promised to consider whether he would not leave out the words "structural improvements." As applied to improvements below ground that was a very inappropriate phrase. If the right hon. Gentleman meant he was going to divest land of all improvements why put in "structural"? The right hon. Gentleman had also these limiting words, "where such work has been executed not more than twenty years preceding." He would point out how undesirable it was if they really wished to improve land and to facilitate the process to put in limiting words of that kind. It was a premium on jerry building and putting up structures which would last only twenty years. He hoped the right hon. Gentleman would be guided in this respect by the precedent which he and his friends had quoted or even by the case of New Zealand. Would he not adopt similar words to those in the New Zealand Act of 1900? They would meet the case. The New Zealand Act provided in regard to the improvements on land by the expenditure of capital or labour by any owner or occupier that they must be such as to increase the value of the land and be unexhausted at the time of valuation. That was so fair that he hoped he would persuade the right hon. Gentleman to adopt it.

Amendment proposed to the Bill—

"In page 3, line 17, to leave out from the word 'of,' to the end of Subsection (1) of Clause 3, and insert the words 'all improvements in, under, or upon lands and heritages or treatment thereof, so as to equip them for occupation or use, without prejudice to the above generality, *inter alia*, buildings, erections, or structures of whatever nature in, on, or under the soil, fixed or attached machinery, reclamation, embanking, levelling, subsoiling, trenching, planting, clearing, cultivation, provision of water supply, drainage or sewerage, and formation of roads, footpaths, or fences,'"—(*Mr. Cochrane.*)—instead thereof.

Question proposed, "That the words 'buildings, erections, or' stand part of the Bill."

MR. THOMAS SHAW said it was extremely difficult to put these things into a category. He had gone over Colonial legislation on the subject. The language his hon. friend had used was of a comprehensive and far-reaching description. At first, he was rather alarmed by it, but on further acquaintance he accepted not a little from him and he went a step further on Report. He had felt constrained to add in reference to a certain view of drainage put before him by hon. Members a reference to the work of drainage as well as reclamation. Now he would go the length of taking out the reference to twenty years. He was a good deal constrained to that course by an observation which had fallen from his hon. friend in the course of a speech with reference to the annual valuation in each successive year. He felt the pinch of the argument that they would have to reckon back two decades every year in order to appreciate the remanent value of the improvement. And so he made no bones about it, but would delete the words, "where such work has been executed not more than twenty years preceding" and insert words "that the benefit of the improvement must be unexhausted at the time of valuation." That was all the length he felt inclined to go with regard to "structural improvements"; the term had been the subject of a mass of judicial decisions. He wished to rope in the benefit of that, and not to have a fresh crop of litigation, and so he used the phrase. That was the only substantial difference between them. He objected to the use of general terms like "cultivation of the land," because the idea of going back in a long developing history of the land to some machinery of the time when there was no cultivation applied to the land would be altogether out of the question. He thought, however, that when they saw all those things they were impressed on their memories as instances in which the benefit was unexhausted. In regard to a good many other things, the functions were sometimes executed by public authorities, and the value of the land was increased by railways being made through the territory at the public expense. It would never do to say that the value of that was to be taken from land. That was one of the elements of site value that they wanted to get at. At the proper time, when they reached line 20, as part of the arrangement that had been made, he proposed to move on his own responsibility that words should be added relating to the twenty years term.

MR. A. J. BALFOUR said the Lord Advocate had shown a desire to meet the views of his hon. friends in the views they had expressed. He rather disliked the long catalogue which they had, for human ingenuity was often liable to lapses, and it might turn out that there was something which had not been thought of which might turn up and make the provision invalid. The position seemed to him to be perfectly clear and simple and incapable of any misunderstanding. He realised that it was almost too late in the evening to go into it fully or for counsels of perfection, and as the Lord Advocate had endeavoured to meet the views of his hon. friend the discussion of that particular point need not go to any great length.

MR. MUNRO FERGUSON said that this point, and the case of valuation, were the two main points raised on the Bill, and the Lord Advocate had now gone a long way to meet the criticisms raised in Committee. The New Zealand Act was the best basis to work on. He did not like long categories, but he thought that what was now proposed would cover the case. They were anxious to secure that agricultural land should receive the same reductions as urban land, and that object, he thought, would be fairly well achieved. Under the clause as it was to be amended they would, he believed, get nearer to the truth than they would have done by the Bill before it was amended.

MR. MITCHELL-THOMSON said that when they pointed out in Committee that there was one point on which the Select Committee was unanimous, that when they levied a rate they ought to exempt land reclaimed from the sea or from moss, the Lord Advocate promised to consider it. The question he now wanted to ask was whether such land was exempt by the words in the right hon. Gentleman's clause. The point which they raised in Committee was whether land which had been reclaimed was to be exempt or only the land where reclamation works existed on the land. Would that class of land become exempt as a result of those words? The right hon. Gentleman had promised to bring his faculties to bear before the Report stage and he wished to know whether he had considered the matter and whether those words covered the situation.

Mr. THOMAS SHAW said he had considered the point. The work of reclamation might be taken to include reclaimed land.

Mr. COCHRANE asked leave to withdraw his Amendment.

Amendment, by leave, withdrawn.

*Mr. HILLS moved an Amendment to exempt from rating improvements other than structural improvements, as for example, irrigation works, roads, and hedges. He reminded the House that the essence of the Bill was to take from the land the charge on improvements, and he could not see why all improvements should not be free from rating instead of only structural improvements. If they took a concrete case he could make his meaning clear. If a man made a road over his land and increased the value of that land by that road, because the road was not a building or erection or a structural improvement he would have to pay increased rates. It was an improvement, for if the road was made the land was more valuable, and yet if that Bill passed with the word "structural" in the clause the man who had made the road and improved his land by making that road would be forcing his own rates up. Then again, the case was quoted earlier in the debate of irrigation works. If a man brought water to his land he largely improved the value of the land, and yet if that clause passed he would still be rated on the improvements he had made. Surely there was no reason at all and no ground in logic or fairness why structural improvements should be in a better position than all other improvements. He thought the case on behalf of roads and irrigation works raised the case so clearly that he need say no more.

Mr. REMNANT seconded.

Amendment proposed—

"In page 3, line 17, to leave out the word 'structural.'"—(*Mr. Hills.*)

Question proposed, "That the word 'structural' stand part of the Bill."

Mr. THOMAS SHAW said he would not detain the House by repeating the arguments which he had already used in regard to the point that had been raised. If they took out the word "structural" they would get away from the clear legally defined position and get back to such terms as "cultivation" and that would involve them in many difficulties.

Mr. AUSTEN CHAMBERLAIN hoped that when they had explained their views to the Lord Advocate he would add considerably to the very short statement which he had given to the House. The right hon. Gentleman could never have treated the Amendment in the very brief way in which he had done if he had followed what was in the mind of the mover of the Amendment. The Lord Advocate declined to leave out the word "structural" because structural improvements were defined by a great number of judicial decisions. The Lord Advocate would have enlightened the House, and perhaps have enabled them to close the discussion, if he had told them what the effect of those legal decisions was. They were not all lawyers, and they were in grave doubt as to what would be the result of the clause if it were passed in the form in which the Lord Advocate asked them to accept it. He hoped in the absence of the Lord Advocate the Solicitor-General would answer his questions. Was farm accommodation made by the landowner or tenant a structural improvement, or was it not? Was a road, not a public road made by the public authority, but an accommodation road for the farm made by either the owner or occupier or their predecessors, a structural improvement? Were fences and hedges structural improvements? In the ordinary meaning of language, as used by laymen, he did not think a road or a hedge or a fence was a structural improvement, but were they structural improvements by legal decision? Were subsoil and drainage structural improvements? Lastly, he had an illustration which was frequently seen in the Down Country and the South of England. Were cemented ponds on the high ground to provide watering places for sheep structural improvements? To the lay mind it would appear that none of those were structural improvements but they were all very valuable improvements which they ought to encourage and not discourage. Were they included by legal decision in the definition of structural improvements? If they were not, he strongly suggested to the Lord Advocate that he should alter the wording of his clause so as to improve it. He did not for a moment suggest that the landowner should get the advantage of the improved value created by a public authority, but only of the improvements of that character made by himself. He would be quite satisfied if words were put in limiting the application of the Amendment to cases of that kind.

Mr. THOMAS SHAW pointed out that the Act of 1895 said, "has made or acquired erections or structural improvements." He thought the House would agree that he had gone much further in his definition than that. In regard to the category of these things, he was partly led into making that long catalogue by an endeavour to follow the lead given by the Opposition. The decisions he had referred to had been given in regard to the exact language, "structural improvements," as used in the statute of 1895. There were, he thought, about a score of those decisions. He hoped the House would forgive him if he had not the details in his head, but he thought that most of the points which had been raised were covered. Reference had been made to the case of a pond. In the case of an ordinary pond, where the soil might be porous, and cement had to be used, there was no doubt in his mind that it would be a structural improvement on the land; but he did not think that a hedge would be considered a structural improvement. He hoped his hon. friends opposite would not think that when they had drawn up a catalogue there were not here and there little points which might be matters of distinction and difference. On the whole, however, a line must be drawn, and the line drawn here was one justified by suggestions made and by the lead given in the statute of 1895.

Mr. A. J. BALFOUR thought that there was some little misapprehension. He believed there was no substantial difference on this point between the Front Bench opposite and the Opposition. He understood the theory of the Government to be that what was to be rated was the unimproved land. That was the whole theory of the Bill. The Lord Advocate now told them that by unimproved land he did not mean land without hedges and roads. Land with roads—which sometimes were very costly—and with hedges was still unimproved land in the language of the Government. He did not think the Government could mean that. If they did it would destroy the whole theoretical basis of the Bill, which meant the taxation of unimproved land. He suggested that the Lord Advocate gained nothing by introducing the word "structural." He had introduced it, on his own admission, because a good many important decisions had been given on what the word "structural" meant, and if they put in other words they would probably have to obtain a good many other expensive decisions. If they introduced the word "structural" then, by the admission of the Government themselves, the Government Bill ceased to carry out the Government policy. The Government policy was to tax what was unimproved; the Government Bill deliberately taxed what they themselves admitted to be unimproved. He would have thought—though the Lord Advocate took another view—that a pond could not have been described, even in law, as a structure; but perhaps it was so if it had a clay or cement bottom. He earnestly suggested to the Government that they might meet the clearly reasonable view of his hon. friend and leave out the word "structural." He thought the matter was a very simple one and that they ought not to be divided in opinion about it.

Mr. THOMAS SHAW said that certainly this matter appealed very strongly to him, and he was very anxious to part with the Bill in the spirit in which he had all through endeavoured to conduct it. He did not think that substantially there was anything between them in the matter, but he was afraid that the word "improvements" would introduce a very much more exhaustive catalogue of inquiries as to what had been done than would be useful. If, however, it would suit his hon. friends opposite that he should leave out the word "structural," he was quite prepared to do so, and he hoped that would partly meet their objection.

Mr. MUNRO FERGUSON pointed out that there were one or two items like hedge, house, and ditch which were omitted under this arbitrary classification. What was really wanted was that the assessors should be able to allow for any improvement which was unexhausted at the time of the valuation. If they could get that and rating on the unimproved pastoral value, they would really have the whole thing in simple words. He dared say that in a roundabout way they had come to the same conclusion, but it could, in his opinion, have been more directly expressed.

Amendments agreed to.

Amendment proposed—

"In page 3, line 19, at end, to insert the words 'of drainage and.'"

"In page 3, to delete lines 21 and 22, and to insert the words 'where the benefit thereof is unexhausted at the time of valuation."

Amendments agreed to.

Mr. YOUNGER moved, in page 3, line 23, to leave out from the word "sold" to the word "building," in line 24, and to insert the words "subject to all public burdens and." He said that he rose with a certain amount of hope that his right hon. friend would consider this point which he had previously brought under his notice in Grand Committee. The hypothetical land values under the Bill would be of no use whatever for rating if the land was valued free from public burdens. Did anyone, he would like to know, ever hear of land being offered for sale free from public burdens? It was a perfectly absurd and ludicrous proposal. He was sure that if the Lord Advocate looked at the matter in a proper light he would see that if he was wanted to make his clause anything like perfect he should accept the Amendment.

Sir HENRY CRAIK seconded.

Amendment proposed to the Bill—

"In page 3, line 23, to leave out from the word 'sold,' to the word 'building,' in line 24, and insert the words 'subject to all public burdens and.'"—(*Mr. Younger.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. THOMAS SHAW said that the Government, of course, could not accept the Amendment, but it was perfectly plain that they must get, to begin with, the unimproved value of land. All public burdens might be changed subsequent to this Bill's becoming law; and a new tax might be substituted for unimproved value. In any case they must get the unimproved value by itself before they reckoned the burdens against it. They wanted to get the thing settled before deduction began.

Mr. A. J. BALFOUR said he did not know that it was worth while putting the House to the trouble of dividing on this point. He thought the Lord Advocate must see that if the new column he hoped to add to the valuation roll of Scotland was based on the value he required there would be a totally fictitious idea given to the public of what the value of those lands was. Much as he deplored it he was not sure that it was possible for them to correct it in any way.

Mr. YOUNGER said the matter was really important and the Lord Advocate had let the cat out of the bag. He pointed out very truly what he (Mr. Younger) did not say himself, that he did not know what the new burden was to be. Nobody knew, and that was the difficulty. If it had been an existing burden he was going to value it would be easily done, but if it was to be instead 5s., 30s., 40s., or 50s., it was clearly difficult, and the Lord Advocate had very astutely provided against it.

Amendment, by leave, withdrawn.

SIR HENRY CRAIK moved, "in page 3, line 24, to leave out from the word "servitudes," to the end of Subsection 2. The provision contained a proposal to invest the assessor with duties of a judicial character which had not been demanded before—for which, as a general rule, he was by no means fit. The subsection made him both a judge and an interpreter of motive. These were hardly functions to entrust to an ordinary assessor. To take such a course might act very prejudicially to a locality, for instance, if restrictions established for the benefit of the locality were not taken into account in judging the value.

Amendment proposed—

"In page 3, line 24, to leave out from the word 'servitudes,' to end of Subsection (2) of Clause 3."—(*Sir Henry Craik.*)

Question proposed, "That the words 'Provided that where' stand part of the Bill."

MR. THOMAS SHAW hoped his hon. friend would not press the Amendment. The words were approved by the universal consent of the Committee. The proviso was simply that they were not going to have anything which was not *bona fide*, anything which was set up by way of restriction after the passing of the Act in order to defeat its object.

SIR HENRY CRAIK said he objected to the words "the assessor 'considers.'"

MR. THOMAS SHAW said that with regard to that they had put in words giving an appeal to persons aggrieved.

Amendment, by leave, withdrawn.

MR. J. M. HENDERSON moved to leave out the words "the assessor considers." He agreed with the Lord Advocate that there should be a check upon any restriction created to defeat the Act, and his point was that the proviso as to the assessor considering would be used as *prima facie* evidence in the case of appeal, which it would be thrown upon the appellant to rebut. It was for the assessor to show that the restriction had been put there and was created to defeat the Act.

Amendment proposed—

"In page 3, line 25, to leave out the words 'the assessor considers that.'"—(*Mr. J. M. Henderson.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. THOMAS SHAW said that this was manifestly a drafting Amendment with no substance in it. There was no question as to the onus of proof.

Amendment, by leave, withdrawn.

MR. J. M. HENDERSON moved to add the words, 'Provided always that in estimating the capital land value of lands and heritages due regard shall be had to all existing leases or contracts affecting same. Provided also that in estimating such capital land value regard shall be had to the effect upon such capital value of intended taxation or rating. In assessing the value of unbuilt-on land within municipal boundaries due regard shall be had to the extent of the average yearly demand for such land for building purposes and of the total amount of such land available.'" When this was before the Committee, the Lord Advocate said he would consider part of this Amendment, and there was some talk of giving some directions to the assessors as to how they should proceed. The Bill did not contain any such directions and that was why he had put down the Amendment. The point he made with regard to the matter was this. Suposing they had three houses in a street which was an improved street and the lease of one house expired, and there still remained an unexpired term of seven years in the case of the next house, and twenty years in the case of the next. These three houses, if they were on free land, would be of exactly the same value. Was the assessor to value the one which was free to be sold at the selling price of the others and at the selling price subject to the restrictions of so many years' purchase of the net rental? With regard to the effect on rating, when they were dealing with unbuilt-on land they were asking the assessor to place a value upon the land as it at present stood, and he imagined he would proceed in this way. Here was an acre of land which was let at agricultural value for £2 a year. "That land," the assessor would say, "will very soon be built on, perhaps in five years. The speculative builder on the chance of its growing to that value will give you £300. I will assess you at £300." If that man had to pay taxes of 10, 15, or 20 per cent. on that value every year, the value would cease to be £300. That was the point. If they valued on these lines they would get a value which the moment they put on the estimated tax would be destroyed. It was the first time in the history of the House that a Valuation Bill had gone without a Rating Bill. They could not value unless they knew what rating there was going to be. No one could value land unless they knew what the rate was that they were going to pay. A piece of property might be worth £1,000 on the present rating, but if they were going to put a special rate on it they might bring the value down to £200 or £300. His last point was that due regard should be given to the extent of the average yearly demand for land for building purposes out of the total amount of land available in the district. He thought the Lord Advocate had promised him something in regard to that point. That day they had had instances quoted of towns where there were thousands of acres, and all those thousands of acres were valued as though they were ripe for building purposes. They had heard that of the amount of land in Edinburgh only fifteen acres a year were consumed while in Glasgow the amount was sixty acres. As there were 3,000 acres of land in Edinburgh, and 5,000 or 6,000 acres in Glasgow they saw what it meant. He hoped the Lord Advocate would undertake that an Instruction should be added to the Bill in some way or other, limiting the assessor to consider first of all the leases and contracts and their effect on the value, and secondly, that regard should be had to the average amount of acreage consumed during an average of say the last five years.

Amendment proposed—

"In page 3, line 30, at end, to add the words, 'Provided always that in estimating the capital land value of land and heritages due regard shall be had to all existing leases or contracts affecting same. Provided also, that in estimating such capital land value regard shall be had to the effect upon such capital value of intended taxation or rating. In assessing the value of unbuilt-on land within municipal boundaries due regard shall be had to the extent of the average yearly demand for such land for building purposes and of the total amount of such land available.' "—(*Mr. J. M. Henderson.*)

Question proposed, "That those words be there inserted in the Bill."

MR. THOMAS SHAW said he could hardly conceive that any one of the three elements could be included. As regarded the assessment of market value they could not possibly be expected to accept the suggestion. There might be political and all kinds of other considerations, but the general feature in regard to taxation and rating was that market value should certainly be an element. They were asked to consider the yearly average demand for land for building purposes out of the total amount of land available. If his hon. friend had wished to put an end to the usefulness of the Bill he could not have chosen a better way.

MR. DEPUTY-SPEAKER (MR. CALDWELL) asked the hon. Member if he withdrew his Amendment.

MR. J. M. HENDERSON said he did not see that he could do anything else.

Amendment, by leave, withdrawn.

MR. YOUNGER moved the following provisio. "Provided that if any lands and heritages are used for occupation as residences by the working classes and are of a suitable character for that purpose the capital value of such lands and heritages shall be the capital value of the land for the purposes of such occupation.'" He said that it was an extremely important Amendment, and he thought it was so reasonable and would so meet what he conceived to be the opinion of the Lord Advocate that the right hon. Gentleman would see fit to accept it.

Mr. STAVELEY-HILL seconded.

Amendment proposed—

"In page 3, line 30, at the end, to insert the words 'Provided that if any lands and heritages are used for occupation as residences by the working classes and are of a suitable character for that purpose, the capital value of such lands and heritages shall be the capital value of the land for the purposes of such occupation.'"—(*Mr. Younger.*)

Question proposed, "That those words be there inserted in the Bill."

Mr. THOMAS SHAW said that in so far as his hon. friend intended it to be a mere surface Amendment his proposal was all right, but in so far as it would imply more than the hon. Member intended it would be very dangerous. What the hon. Member meant to say was that where the land was used for the residences of the working classes it should be valued as such. That was perfectly right, but there might be many cases in which there was available land opened up for the better class of working-class houses, and where there would be congested districts which it might be desirable to acquire. One could quote a crop of cases in which this most kindly proposal would do the greatest injury. He thought that no harm would be done by leaving the assessor to take a general valuation, and the case being set out that it was a reasonable use to which the land was put, they would get rid of the proviso which might be dangerous.

Mr. A. J. BALFOUR thought that the Lord Advocate could surely see that something was necessary to remove the obvious danger the Bill might impose in regard to the working classes who lived in the centre of some of our great towns. There was always a great danger that the value of sites in towns would cause those whom it was important should live near their work to be driven out. He believed that in some cases the difficulty could be met by housing the working classes outside the towns and providing cheap and good means of travel. But that could not always be done, and if they left the Bill as it was they would undoubtedly rate the land on which working class houses now stood at so high a rate that it would have to be used for other purposes. If they rated the land as though warehouses instead of working class dwellings were erected on it the owner would have to erect warehouses or other buildings of great value on it. The Lord Advocate had told them that the assessor would be quite content if the use to which the land was put was a proper use. That was not the explanation given by that Bill. The Solicitor-General told them that one object of the Bill was to force the owner of the land to put it to the most profitable use, going, he presumed, on the assumption that the most profitable use to a man was the most profitable use to the community. In the centre of a town he did not think the most profitable use for a site would be the erection of working class dwellings. In the case of a big London landlord who, in order to help the working classes, had deliberately used some of his land for housing, instead of turning it to use for vast commercial buildings, the object of that Bill, which was to turn the land to the greatest possible profitable use, would result in the working classes being driven out of the centre of the city. It could not be desirable for the working classes all to be driven out of the centre of the city. He thought that aspect of the Bill had not been faced by the Government. He could not think that the valuer would rate that land as though the creation of working class dwellings was the most profitable use to which it could be put. The assessor was obliged to value the site at what it would fetch in the open market for a railway station, warehouse, or something of that character. That was clearly the case, and he was certain that if the Government did not try to avoid that obvious evil they would be leaving a deficiency in the Bill which would have disastrous results in connection with the housing problem. He thought that the effect of the Bill on the housing problem would be very bad, and he thought that either that or some other Amendment should be accepted before the Bill left that House.

MR. THOMAS SHAW said they thought that one of the advantages of the Bill was that it would provide more valuable land for *inter alia* the building of working class houses. He easily figured for himself the case of a railway station, the case of a public hall, or even the case of an open space, in which land would be held up against a public purpose under the guise of this apparently most charitably disposed Amendment. Protected by a proviso of this kind, working class houses would be kept there, although there was other available land and although they could not condemn it as being unsuitable for the purpose. The displacement of the working classes was not forced upon them As a matter of fact they left the costly sites in the centre of the city, which were bound to be built over, in order to avail themselves of the better and cheaper conditions which were to be secured on the outskirts of great towns.

MR. YOUNGER said that he was sorry that he must press this Amendment to a division. He moved these words in order to prevent the very thing which the right hon. Gentleman had just been talking about, because he objected to the working classes being thrust, as it were, from one zone of a city to another. It was essential for these people to be near their business, though of course in some cases, where there were convenient tramways, they might be able to live on the outskirts. The Government, however, were ruthless on the subject, and they said that if men could not live on a dear piece of land they must go somewhere else.

Question put.

The House divided :—Ayes, 36 ; Noes, 170. (Division List No. 447.)

AYES.

Acland-Hood, Rt Hn. Sir Alex. F.
Ashley, W. W.
Balfour, Rt Hn. A. J. (City Lond.
Barrie, H. T. (Londonderry, N.)
Beach, Hn. Michael Hugh Hicks
Bridgeman, W. Clive
Campbell, Rt. Hon. J. H. M.
Carlile, E. Hildred
Cavendish, Rt. Hon Victor C. W.
Cecil, Lord John P. Joicey
Chamberlain, Rt. Hn. J. A (Worc.
Cheetham, John Frederick
Cochrane, Hon. Thos. H. A. E.
Courthope, G. Loyd
Craig, Charles Curtis (Antrim, S.
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers
Everett, R. Lacey
Fetherstonhaugh, Godfrey
Forster, Henry William
Gibbs, G. A. (Bristol, West)
Gretton, John
Hamilton, Marquess of
Harris, Frederick Leverton
Harrison-Broadley, H. B.
Hills, J. W.
Hunt, Rowland
Law, Andrew Bonar (Dulwich)
Long, Rt. Hn. Walter (Dublin, S.
Pease, Herbert Pike (Darlington
Remnant, James Farquharson
Roberts, S. (Sheffield, Ecclesall)
Ronaldshay, Earl of
Sloan, Thomas Henry
Staveley-Hill, Henry (Staff'sh.
Thomson, W. Mitchell- (Lanark)

TELLERS FOR THE AYES—Mr. Younger and Sir William Bull.

NOES.

Abraham, William (Cork, N.E.)
Ainsworth, John Stirling
Ambrose, Robert
Asquith, Rt. Hn. Herbert Henry
Baring, Godfrey (Isle of Wight)
Barnard, E. B.
Barnes, G. N.
Barry, Redmond J. (Tyrone, N.)
Beaumont, Hon. Hubert
Benn, W. (T'w'r Hamlets, S. Geo.
Birrell, Rt. Hon. Augustine
Bowerman, C. W.
Brace, William
Branch, James
Brodie, H. C.
Brunner, J. F. L. (Lancs., Leigh)
Burke, E. Haviland
Burns, Rt. Hon. John
Byles, William Pollard
Carr-Gomm, H. W.
Chance, Frederick William
Cherry, Rt. Hon. R. R.
Churchill, Rt. Hon. Winston S.
Clough, William
Clynes, J. R.
Collins, Sir Wm. J. (S. Pancras, W.
Condon, Thomas Joseph
Cooper, G. J.
Corbett, C. H (Sussex, E. Grinst'd
Craig, Herbert J. (Tynemouth)
Crooks, William
Crossley, William J.
Cullinan, J.
Delany, William
Devlin, Joseph
Dewar, Arthur (Edinburgh, S.)
Dickinson, W. H. (St. Pancras, N.
Donelan, Captain A.
Duffy, William J.
Duncan, C. (Barrow-in-Furness)
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Farrell, James Patrick
Fenwick, Charles
Ferguson, R. C. Munro
Ffrench, Peter
Field, William
Flavin, Michael Joseph
Fuller, John Michael F.
Gill, A. H.
Ginnell, L.
Glover, Thomas
Goddard, Daniel Ford
Gulland, John W.
Gwynn, Stephen Lucius
Halpin, J.
Harmsworth, Cecil B. (Worc'r)
Haworth, Arthur A.
Hayden, John Patrick

Hazel, Dr. A. E.
Hazleton, Richard
Healy, Timothy Michael
Helme, Norval Watson
Henderson, Arthur (Durham)
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Hogan, Michael
Holt, Richard Durning
Howard, Hon. Geoffrey
Illingworth, Percy H.
Johnson, John (Gateshead)
Jowett, F. W.
Joyce, Michael
Kekewich, Sir George
Kennedy, Vincent Paul
Kilbride, Denis
Lamont, Norman
Lardner, James Carrige Rushe
Lewis, John Herbert
Lough, Thomas
Lundon, W.
Mackarness, Frederic C.
MacNeill, John Gordon Swift
Macpherson, J. T.
MacVeagh Jeremiah (Down,S.)
MacVeigh, Charles (Donegal,E.
M'Callum, John M.
M'Crae, George
M'Hugh, Patrick A.
M'Kean, John
M'Killop, W.
Maddison, Frederick
Manfield, Harry (Northants)
Markham, Arthur Basil
Meehan, Patrick A.
Menzies, Walter
Montgomery, H. G.
Mooney, J. J.
Morrell, Philip
Murphy, John (Kerry, East)
Murphy, N. J. (Kilkenny, S.)
Nicholls, George
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien,Kendal (TipperaryMid
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Connor, T. P. (Liverpool)
O'Doherty, Philip
O'Donnell, C. J. (Walworth)
O'Grady, J.
O'Malley, William
O'Shee, James John
Parker, James (Halifax)
Paulton, James Mellor
Pearce, Robert (Staffs., Leek)
Pearson,W.H.M. (Suffolk, Eye)
Pirie, Duncan V.
Power, Patrick Joseph
Price,C.E. (Edinburgh,Central)
Radford, G. H.
Rainy, A. Rolland
Reddy, M.
Redmond, John E. (Waterford)
Redmond, William (Clare)
Richards, Thomas (W.Monm'th
Richards, T.F. (Wolverh'mpt'n
Rickett, J. Compton
Roberts, G. H. (Norwich)
Robertson,SirG.Scott(Bradford
Robertson, J. M. (Tyneside)
Robinson, S.
Rowlands, J.
Russell, T. W.
Samuel, S. M. (Whitechapel)
Scott,A.H.(Ashton under Lyne
Shaw, Rt. Hon. T. (Hawick B.)
Sheehy, David
Silcock, Thomas Ball
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smyth, Thomas F. (Leitrim, S.
Stanley, Albert (Staffs. N.W.)
Stanley, Hn.A.Lyulph (Chesh.)
Strachey, Sir Edward
Strauss, E. A. (Abingdon)
Summerbell, T.
Taylor, John W. (Durham)
Tennant, Sir Edward(Salisbury
Toulmin, George
Trevelyan, Charles Philips
Ure, Alexander
Vivian, Henry
Walsh, Stephen
Ward,W.Dudley (Southampton
Waring, Walter
Waterlow, D. S.
Wedgwood, Josiah C.
White, J. D. (Dumbartonshire
White, Patrick (Meath, North)
Whitehead, Rowland
Whitley, John Henry (Halifax)
Wiles, Thomas
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)

TELLERS FOR THE NOES—Mr. Whiteley and Mr. J. A. Pease.

MR. THOMAS SHAW said he would be glad, with the consent of the House, to take the Third Reading of the Bill now.

Motion made, and Question proposed, "That the Bill be now read the third time."

MR. A. J. BALFOUR said it would be absolute cruelty to the House if he were to endeavour to inflict on them a survey of the Bill at that hour, after they had been discussing it for eleven hours and a half. He would therefore content himself with saying that there could not be a more striking illustration, as he thought, of the scandalous way in which the Government had endeavoured this session to force Bills of the utmost difficulty and importance through the House under conditions in which any kind of adequate discussion was wholly impossible. Any impartial person who had heard the debate that night would admit that there never had been a discussion of a more businesslike character, dealing, he might say rapidly, with many very difficult points. This was absolutely the first and only time when they had been allowed to have this important Bill in its details before the whole House. In these circumstances, for the Government to come down and ask them to read the Bill a third time on the same night was, he thought, a most flagrant outrage upon the proper procedure of the House of Commons. That outrage was indeed mitigated, though it was far from being atoned for, by the courtesy with which the learned Gentleman in charge of the Bill had conducted this difficult discussion. He was sure if they could penetrate the right hon. Gentleman's secret thoughts, he (the Lord Advocate) knew as well as, if not better than, any man now in the House the far-reaching consequences which the Bill would have with regard to the whole social conditions of the country. It would be hopeless for him to deal further with the matter now, but he should most certainly challenge a division on the Third Reading.

MR. THOMAS SHAW said he wished to offer one word in answer to the observations which had just fallen from the right hon. Gentleman. He thanked the Leader of the Opposition for the kindly reference to himself, and certainly he (the Lord Advocate) had nothing at all to complain of in the way in which observations of his had been treated on the other side of the House. He thought, however, it was somewhat hard after piloting this Bill through the House to its present stage that he should be told that the procedure on the Bill had been a scandalous procedure.

MR. A. J. BALFOUR: I said nothing about the right hon. Gentleman at all.

MR. THOMAS SHAW, continuing, said he took exception to what had been said in regard to the policy of the Government in, so to speak, hustling this Bill. He would like to recall to the House the occasions on which the Bill had been under consideration. There was a pretty full statement made on the First Reading and there was a very long debate on the Second Reading. Then they had four days in the Grand Committee on this Bill, and he was pleased to say it was discussed there without the closure ever being applied. On the present occasion the only time closure had been employed was after hours had been occupied on one Amendment. It was pretty hard to hear of hustling and scandalous procedure after that. In conclusion, in moving the Third Reading of the Bill he had no desire to go over ground which he covered both on the First and Second Reading. They knew quite well that this was not the first Bill on the subject. They knew quite well the principle of the Bill had been ratified and approved by the House over and over again. The history of the measure could be stated in a single sentence. In 1902 a Bill with that principle was rejected by seventy-one, in 1903 a Bill with that principle was rejected by thirteen, in 1904 a Bill with that principle was approved by sixty-seven, in 1905 a Bill with that principle was approved by ninety; and the present Bill was approved by 258 of a majority. That was the Parliamentary history of the measure, and it showed that they were not importing or hustling any new ideas through the House. The truth was they had adopted without the slightest thought of scandalous procedure, the correct course, even at that late stage of the session, of yielding points where they could be yielded, making concessions where they could be made, and in every way accommodating themselves to the general sense of the House.

MR. AUSTEN CHAMBERLAIN said he had no intention of intervening at that stage of the Bill, but he could not allow the observations of the right hon. Gentleman to pass without a word of comment and a word of correction. He would like to preface his observations by saying that nothing he said was in any way directed against the right hon. Gentleman's conduct of the Bill or to be taken as dissenting from the tribute paid to him with the full assent of his followers by the Leader of the Opposition. But what was the history of the Bill? The right hon. Gentleman said that a full statement was made on the First Reading. It was introduced under the ten minutes rule. He said it was debated at great length on the Second Reading. It was debated for one day. Was the Bill of importance or not? Was it a measure which in the opinion of its authors was going to have considerable results? It had been declared again and again that it was. Ten minutes on the First Reading and one day on the Second Reading was much less than the House had been accustomed to allot to the consideration of a measure of considerable importance. Then they came to the Committee stage which took place upstairs, so that the House had no opportunity of making themselves acquainted either with the objects of the Government or of the defence they made of the various provisions of the Bill. He ventured to say without fear of being proved to be wrong that the bulk of hon. Members who were not members of the Scottish Committee did not know at that moment what the Bill was and could not give an intelligible account of it. They had voted, not merely without having listened to the arguments, but without having any idea of the subject matter of the Bill. The right hon. Gentleman had then gone on to the Parliamentary history of the Bill and of other Bills the principle of which he stated had been confirmed by varying majorities on several occasions on Second Reading. But those were not this Bill. Those who supported them had objects which were different and which those who had listened to or read the declaration of some Ministers of the present House would know were objects which the Government did not propose and which the Government did not intend to carry out. Apart from the fact that these Bills were not the same as that Bill he ventured to say they could not have a better illustration than the Bill before the House of the value of discussion in detail by the whole House. He was quite certain that a very large number of those who outside that House would declare themselves in favour of the Bill if they were asked whether on its title they approved of it, would alter their opinion if they had access to the discussions in Committee upstairs which for a brief time that day had found an echo in the discussion of that House.

Question put.

The House divided :—Ayes, 172 ; Noes, 33. (Division List No. 448.)

AYES.

Abraham, William (Cork, N.E.)
Ainsworth, John Stirling
Ambrose, Robert
Asquith, Rt. Hn. Herbert Henry
Baring, Godfrey (Isle of Wight)
Barnard, E. B.
Barnes, G. N.
Barry, E. (Cork, S.)
Barry, Redmond J. (Tyrone, N.)
Beaumont, Hon. Hubert
Benn, W.(T'w'rHamlets,S.Geo.
Birrell, Rt. Hon. Augustine
Boland, John
Bowerman, C. W.
Brace, William
Branch, James
Brodie, H. C.
Brunner, J.F.L. (Lancs., Leigh)
Burke, E. Haviland-
Burns, Rt. Hon. John
Byles, William Pollard
Carr-Gomm, H. W.
Chance, Frederick William
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Churchill, Rt. Hon. Winston S.
Clancy, John Joseph
Clough, William
Clynes, J. R.
Collins, Sir W. J.(S.Pancras,W.)
Condon, Thomas Joseph
Cooper, G. J.
Corbett,C.H.(Sussex,E.Grinst'd
Craig, Herbert J. (Tynemouth)
Crooks, William
Crossley, William J.
Cullinan, J.
Delany, William
Devlin, Joseph
Dewar, Arthur (Edinburgh, S.)
Dickinson, W.H. (St.Pancras,N
Donelan, Captain A.
Duffy, William J.
Duncan,C.(Barrow-in-Furness)
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Everett, R. Lacey
Farrell, James Patrick
Fenwick, Charles
Ferguson, R. C. Munro
Ffrench, Peter
Field, William
Flavin, Michael Joseph
Fuller, John Michael F.
Gill, A. H.
Ginnell, L.
Glover, Thomas
Goddard, Daniel Ford
Gulland, John W.
Gwynn, Stephen Lucius
Halpin, J.
Harmsworth, Cecil B. (Worc'r)
Haworth, Arthur A.
Hazel, Dr. A. E.
Hazleton, Richard
Healy, Timothy Michael
Helme, Norval Watson
Henderson, Arthur (Durham)
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Hogan, Michael
Holt, Richard Durning
Howard, Hon. Geoffrey
Illingworth, Percy H.
Johnson, John (Gateshead)
Jowett, F. W.
Kekewich, Sir George
Kennedy, Vincent Paul
Kilbride, Denis
Lamont, Norman
Lardner, James Carrige Rushe
Lewis, John Herbert
Lough, Thomas
Lundon, W.
Mackarness, Frederic C.
MacNeill, John Gordon Swift
Macpherson, J. T.
MacVeagh, Jeremiah (Down, S.
MacVeigh, Charles (Donegal,E.
M'Callum, John M.
M'Crae, George
M'Hugh, Patrick A.
M'Kean, John
M'Killop, W.
Maddison, Frederick
Manfield, Harry (Northants)
Markham, Arthur Basil
Meehan, Patrick A.
Menzies, Walter
Montgomery, H. G.
Mooney, J. J.
Morrell, Philip
Muldoon, John
Murphy, John (Kerry, East)
Murphy, N. J. (Kilkenny, S.)
Nicholls, George
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien,Kendal(TipperaryMid
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Connor, T. P. (Liverpool)
O'Doherty, Philip
O'Donnell, C. J. (Walworth)
O'Donnell, T. (Kerry, W.)
O'Grady, J.
O'Malley, William
O'Shee, James John
Parker, James (Halifax)
Paulton, James Mellor
Pearce, Robert (Staffs., Leek)
Pearson, W.H.M. (Suffolk, Eye)
Pirie, Duncan V.
Power, Patrick Joseph
Price, C.E.(Edinburgh, Central)
Radford, G. H.
Rainy, A. Rolland
Reddy, M.
Redmond, John E. (Waterford)
Redmond, William (Clare)
Richards, Thomas (W.Monm'th
Richards, T.F. (Wolverh'mpt'n
Rickett, J. Compton
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott (Bradf'rd)
Robertson, J. M. (Tyneside)
Robinson, S.
Rowlands, J.
Russell, T. W.
Samuel, S. M. (Whitechapel)
Scott, A.H.(Ashton under Lyne)
Shaw, Rt. Hon. T. (Hawick B.)

Sheehan, Daniel Daniel
Sheehy, David
Silcock, Thomas Ball
Sinclair, Rt. Hon. John
Smyth, Thomas F. (Leitrim, S.
Stanley, Albert (Staffs., N.W.
Stanley, Hn. A. Lyulph (Chesh)
Strachey, Sir Edward
Strauss, E. A. (Abingdon)
Summerbell. T.
Taylor, John W. (Durham)
Toulmin, George
Trevelyan, Charles Philips
Ure, Alexander
Vivian, Henry
Walsh, Stephen
Ward, W. Dudley (Southampton
Waring, Walter
Waterlow, D. S.
Wedgwood, Josiah C.
White, Patrick (Meath, North)
Whitehead, Rowland
Whitley, John Henry (Halifax)
WilsonP. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)

Tellers for the Ayes—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Ashley, W. W.
Balfour, Rt. Hn. A. J. (City Lond.
Barrie, H. T. (Londonderry, N.)
Beach, Hn. Michael Hugh Hicks
Bridgeman, W. Clive
Bull, Sir William James
Campbell, Rt. Hon. J. H. M.
Carlile, E. Hildred
Cavendish, Rt. Hn. Victor C. W.
Cecil, Lord John P. Joicey-
Chamberlain, Rt Hn. J. A. (Worc.
Cochrane, Hon. Thos. H. A. E.
Courthope, G. Loyd
Craig, Charles Curtis (Antrim, S.
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Fetherstonhaugh, Godfrey
Gibbs, G. A. (Bristol, West)
Gretton, John
Hamilton, Marquess of
Harris, Frederick Leverton
Harrison-Broadley, H. B.
Hills, J. W.
Hunt, Rowland
Long, Rt. Hn. Walter (Dublin, S
Pease, Herbert Pike (Darlington
Remnant, James Farquharson
Roberts, S. (Sheffield, Ecclesall)
Ronaldshay, Earl of
Sloan, Thomas Henry
Staveley-Hill, Henry (Staff'sh.)
Thomas, W. Mitchell- (Lanark)
Younger, George

Tellers for the Noes—Sir Alexander Acland-Hood and Mr. Forster.

EVICTED TENANTS (IRELAND) BILL.

Order for the consideration of the Lords Amendments read.

The CHIEF SECRETARY for IRELAND (Mr. BIRRELL, Bristol, N.) said that although at that hour of the morning and that period of the session any man who said a single unnecessary word was in his judgment an enemy of the human race, he was sure that he could only save the time he was anxious to save if permission was given to him then to state shortly the general course the Government intended to ask the House to take with regard to the Lords Amendments. Some of the Amendments they saw their way to ask the House to accept, either as made or subject to slight alteration. They were willing that the duration of the Act, so far as it conferred powers for the acquisition of land and for the determination of tenancies, should be restricted to four years. The Lords suggested a period of three years. That was a substantial agreement with one of the Lords Amendments, and there were others which they could agree with. But there were other Amendments which were wholly incompatible with the main object of the Bill. Unless they could by legislation accelerate the process of reinstating the evicted tenants, the Bill was worse than worthless, because it excited hopes which were incapable of realisation. As an example of that kind of Amendment, he asked the House to consider the Lords Amendment to leave out the Government's subsection of Clause 1, and to insert words of their own. The Bill as it left this House proposed to allow the Estates Commissioners, if they thought it expedient, to acquire land for the purposes of the Act if they offered the owner a fair market price. They had therefore only to consider what was expedient, whether they needed the land or not, and then they were to offer a fair market price. But the Lords had inserted as a substitution for their words, words which were of a somewhat extraordinary character, for they provided that the Estates Commissioners were only to have the power compulsorily if they were unable to acquire by agreement and on reasonable terms suitable land for the purposes of that Act. Under that Amendment, whenever the Estates Commissioners wanted to take a piece of land, it would be open to the landlord to contest the point in a Court of Law, and to allege that they might have acquired suitable land if only they had offered a suitable price for it. There was not an acre of land in Ireland that was not sellable tomorrow at what some people appeared to think was a suitable price. The Amendment of the Lords, followed as it was by subsequent Amendments, rendered an appeal not only possible, but probable, and almost certainly in every case counsel for the landlord would go and say they could get suitable land at a suitable price. That opened up a vista of litigation which would shock even an attorney's clerk. The cost of this litigation must be borne either by the Treasury or by the unfortunate man who ultimately found himself restored. He was to be restored as a purchaser, to pay a purchase annuity extending over sixty-eight and a half years, and a great portion of the costs were to be heaped on the price of the land. The Lords had also gone on to say that the price was to be compensation, and by compensation they meant compensation as defined by the Lands Clauses Act of 1845. The Lords were not content even with that. Not only had the man to pay compensation under that Act—the full market value, plus 10 per cent. for compulsory sale, and the bonus under the Purchase Act of 1903—but also arrears of rent, perhaps owing for twenty-five years. The last lot of the evicted tenant restored on these terms would be worse than his first. The lot of an evicted tenant restored on those terms would be so bad that it would be better for him to be a beggar by the wayside than to be a purchase owner burdened with such annuity as had to be charged on the land if these things were to be thrown upon it. Sooner than allow such an Amendment to be passed, the Government would abandon the Bill, because it would not be of any use. If honesty demanded these terms, it would have been far better for the Lords to say at once that they would reject the Bill on its Second Reading, instead of encumbering it with terms of this impossible nature. The whole object of the Bill was to enable the Estates Commissioners to have compulsory powers. They could go on restoring slowly but surely the evicted tenants under the operation of the Act of 1903, but in the interest of law and order and justice some speedy process should be discovered. The Bill was conceived and introduced and was not very hardly opposed because it was recognised that some speedier process was necessary. That was one of the Amendments which it was impossible for the Government to accept. There were other Amendments of an important kind which they could not accept but they were able to suggest some improvements of their own. Those Amendments were of an important character. They related chiefly to whether or not there was to be an appeal. The appeal might be on several subjects. The first question was that of appeal as to the value of the land; as to whether the Estates Commissioners could afford full market value for the land. He would not go back upon the opinion he had held all along, but in a case of this sort he contended that an appeal to a Judge was not necessarily involved in the justice of the case. They were considering the value of the land. An appeal from the Estates Commissioners and their valuers to the Judge was very much as if they were to appeal as to the value of a racehorse from the Jockey Club to Convocation. They were men who knew more about the subject and had better means of informing themselves than the Judges could possibly have. It was impossible for the Government to agree with Lord Atkinson's Amendment. It was perfectly impossible having regard to the prevailing reasons in their minds for them to agree with the Amendment. But, notwithstanding, the Government were perfectly willing by way of coming to terms with their adversary quickly in this matter that there should be an appeal on value, and they suggested an appeal from the Estates Commissioners to a Judge of the High Court who was a Judicial Commissioner at the present moment—Mr. Justice Wylie. He hoped they would not, in fact he knew they would not, have any imputation whatever upon the high character, learning, and impartiality of the learned Judge. He was in no sense of the word a tenants' man, he did not know that he was in any sense a landlords' man, but he believed Mr. Justice Wylie was as honourable and impartial a Judge as could be found in the three Kingdoms. Therefore, the Government were willing—although he did not think this one of those matters on which an appeal was of the essence of justice—there should be an appeal to him on the question of value. Under the Government Amendment there would be power of really rehearing the case and of directing any testimony thought necessary to be called in for information on the facts of the case. Then there was another kind of appeal. There were questions in Clause 6 of appeal. Clause 6 put restrictions upon the acquisition of land and said to the Estates Commissioners that they shall not acquire land compulsorily if it formed demesne land. The House of Lords had added the words "town parks." The Government did not object to that addition, or if it was a garden and a number of other restrictions. On mixed questions of fact and law the Government proposed there should be an appeal to the same learned Judge. Therefore, there would be in these respects a sufficient Court of Appeal. The only other question was that with regard to the new tenant or "planter" as he had been called. The Government could not, of course, agree with the Amendment of Lord Robertson, who practically provided that any planter should not under any circumstances ever be asked to quit, because the noble Lord said nobody shall be asked to quit who is a *bona-fide* tenant. Everybody was a *bona-fide* tenant if he was a tenant at all. Everybody in Ireland using or cultivating the land was an ordinary farmer. They could hardly imagine a person in the occupation of land as a tenant who was not, at all events in the opinion of most people, an ordinary farmer tilling the land in a husbandlike manner. The word "husbandlike" in that connection had no particular sense, and therefore he could not agree with the Amendment. In his opinion the justice of the case did not in any sense require the Amendment. Having regard to the language of the Government's own clause, which enabled the Estates Commissioners to take into consideration all the circumstances of the holding, of the district, and of the cost involved, any fear of any person being improperly asked to go was a purely imaginary one, but the Government were willing to associate with the Estates Commissioners in regard to the question whether or not the planter was to go, the Judicial Commissioner himself. Therefore, if in the opinion of the Judicial Commissioner the planter ought not to be asked to go he could not be asked to go. He (Mr. Birrell) thought the Government had in all these respects, the questions of value, in questions of fact, in mixed questions of fact and law, and in the question of the planter, given an appeal which ought to satisfy the House.

Mr. JAMES CAMPBELL (Dublin University): Do I understand that what you propose requires the planter to come up before the Judicial Commissioner, and that the veto is to rest with him?

Mr. BIRRELL said that without the consent of the Judicial Commissioner the planter would not be obliged to go. There would be the same right of appeal as there was regarding fair rents under the Act of 1881. That was the nature of the appeal they proposed to give with regard to mixed questions of fact and law. If the parties desired Mr. Justice Wylie to state a case, or to allow an appeal from them on questions of mixed facts and law, that might be done. There always was in the Bill an appeal on questions of law, first to the Judicial Commissioner and afterwards to the Court of Appeal, and he thought in those cases they had met the demand. He did not know that he would be justified in detaining the House any further at that stage. They must go through the various Amendments, but he did not think any of them would be found to give rise to any considerable amount of debate, or disturbance of mind on the part of anybody, except those relating to the appeals which the Government proposed to allow.

Mr. WALTER LONG (Dublin, S.): said he was grateful to the Chief Secretary for the remark he made at the commencement of his speech. As it was now four o'clock, every body would realise that it was very difficult to deal with the Amendments in a complete and adequate manner, because until that moment they had no knowledge of what course the Government proposed to take with regard to them. He had even been unable to obtain a copy of the Bill in its latest form, and therefore there was great difficulty in following the statement which the Chief Secretary had made. That difficulty could be very well appreciated by those who had been called upon to examine the effect of suggestions made by Ministers. He thought the position in which they found themselves showed a singular want of power on the part of the Government to manage the business of the House, and he considered it was odd that the Government had not found it possible in the days yet remaining before the session came to a close to allow time for the discussion of these Amendments at an ordinary period of the day when hon. Members would have had more energy than they had now to devote to their consideration. With regard to the statement made by the Chief Secretary, it seemed to him that through the whole of it there ran a prevailing notion that the whole aim and object of this Bill was urgency. The Chief Secretary appeared to think that rapidity were essential, in order to meet this so-called demand, and, in order to secure this rapidity, anything and everything was to be sacrificed, any risk of injustice was to be run, and any risk was to be taken of inflicting on innocent persons an injury which they ought not to be called upon to bear. The Chief Secretary seemed to think that the people who might have to suffer the injustice—the landlords whose land might be taken away in order to provide farms for these evicted tenants —were men who in some way or other were to blame for the position in which they found themselves. He ignored the fact that the men who in a large number of cases would have to suffer under this Bill if the Amendments to which he (the Chief Secretary) had referred were rejected were men in no way responsible for the evicted tenants. Therefore, when the Chief Secretary made a comparison, as he did in reference to the general scheme of Amendments, between the existing law as regards purchase and this Bill he (Mr. Long) submitted that he made a comparison which was in itself altogether fallacious. This Bill had no precedent in Irish land legislation or in any of the other land legislation of the United Kingdom. He was not saying anything of the remarkable collection of Bills which they had had under consideration this session; but it wa certain that there was absolutely nothing on the Statute-book to compare with the present Bill. It proposed to deal with a difficulty which they were told was very urgent. From declarations made by the Government themselves, the House knew that the number of tenants desiring reinstatement had grown with startling rapidity since the present Government came into office. The Chief Secretary was prepared to accept a limitation of four years in the operation of the Bill, but they on the Opposition side profoundly regretted that he did not make up his mind not to make two bites at a cherry and accept the limitation in the Bill as it left the House of Lords. If the statements from the Front Bench opposite and from the very few people on the other side of the House who had supported the Bill during the discussions were based on well-ascertained information, three years would be ample time in which to deal with the number of tenants whom it was proposed to reinstate under the Bill. The Chief Secretary had not told them whether he proposed to accept the Amendment which the House of Lords had placed in the Bill limiting the number of the tenants who were to be dealt with. The right hon. Gentleman had been very severe about the alteration in phraseology made in Clause 1, and had poured a great deal of contempt on the suggestion that the Commissioners ought to be called upon to satisfy themselves that they could not get the land without having recourse to compulsory power. Then he said that land could be got to any extent in Ireland at a price which in the opinion of some people was a reasonable price. If there was any doubt as to the genesis of that view of the right hon. Gentleman and that part of the Bill that doubt would be removed by the cheers which greeted that statement from below the gangway. Let them consider what was the true meaning of the Bill, the true object the Government had in rejecting these Amendments. It was in order that the price in future should be fixed by those whose views had been expressed so often that they were known to everybody. It was in order that the price should be based not on what was considered to be a fair basis between the willing seller and the willing buyer, but on the modern conception of what price should be arrived at after they had done everything they could to depreciate the value of the property. The right of appeal as inserted in another place was an appeal in regard to law, in regard to fact arising under Clause 6, and also in regard to the necessity for the original action of the Commissioners. That was to be rejected on the ground of delay and expense, but he very much doubted whether the Chief Secretary was well founded in his criticism on that score. He (Mr. Long) was not sure that if they had these restrictive powers in the Bill it would not facilitate its working, because it would give a sense of security to those who owned the land which they would not otherwise have. With regard to the general appeal, he was glad the Chief Secretary recognised at last, after all the debates they had had on the subject, the necessity for removing the absolute right of action from the Estates Commissioners. He was, however, amazed at the suggestion which the Chief Secretary made, and desired to enter a protest against his thinking it necessary to say that he felt sure there would be no language used hostile to the learned gentleman who was a Judicial Commissioner. That was the very last thing which was likely to happen on that side of the House. He was sure that there would be no criticism from that side on Mr. Justice Wylie's personal character or his attainments, or his position in Ireland. This matter had nothing to do either with his independence or his fairness or his knowledge. That was not the question. The view which had been urged in the House of Commons through all their debates and which had led to the adoption of the Amendments in the House of Lords was that the Estates Commissioners, not as individuals, but by reason of the fact that they were acting as a body, were so mixed up in the question of land purchase and the general administration of the Land Acts that Parliament ought to give from them an appeal to somebody who was a perfectly independent person bringing an absolutely fresh mind to bear on the subject. To suggest to them that they would meet all the difficulties of the Bill if they gave an appeal which would lie to the Judicial Commissioner, who would be called on, if he thought right, to condemn his own colleagues, was to put forward a wholly impracticable proposal. He could not help hoping that the Government would still see fit to let the appeal be to a Judge of the High Court which would be the only really satisfactory appeal possible under the Bill. He was glad the Government proposed to give an appeal in regard to the necessity of which he had already expressed his view. He passed to another point—the statement made by the Chief Secretary with reference to the planters. The right hon. Gentleman had found great fault with the language inserted in another place. That language was an almost slavish copy of the language used by the Minister in charge in the House of Lords on behalf of the Government. When he was challenged upon this question of planters he was not only emphatic as to the intention of the Government, but he repudiated, in language almost of indignation, the idea that there was any intention to interfere with the planters so far as they were what he described as *bona fide* farmers. It was thought desirable to keep as closely as possible to the langauge which came from a source which it was thought the Government would consider to be one of the highest, and he was sorry to find that the Government thought so little of the language of their own colleagues when it was put into the Bill as to be obliged to criticise it as the Chief Secretary had done. What they felt in regard to these planters was that there were, as they knew perfectly well from speeches made time out of number in the earlier debates in that House, two different dangers to which they were exposed. The first was the inevitable danger of their lands being taken and handed back to the representative of the tenant who was evicted. The second was that, as they frequently heard, these planters were regarded by those in power in Ireland as being to a large extent centres of disturbances—men who ought to be removed, not because they were bad tenants, not because they were not making a good business of their holdings, but because to remove them it was thought would simplify administration in the districts in which they were living. He felt it was impossible to exaggerate the importance of making clear and distinct limitation in regard to these planters and he could not for the life of him understand the objection to words which only proposed to prevent men from being removed who were *bona fide* tenants carrying on their business in a legitimate and proper manner. If the words "ordinary farmer" and "husbandlike manner" did not commend themselves to Ministers they might have improved upon the language of their colleague and at the same time maintained the principle to which the Opposition attached the greatest possible importance. In the effort to do justice to the evicted tenants the Government should not be guilty of great injustice to those against whom there was not one word to be said except that they had succeeded where others had failed. They would have to go through these Amendments seriatim and it would be their duty to express their opinions more precisely in that process. He was glad the Government were, in regard to this matter, evidently in a somewhat more chastened mood than when the Bill was last being debated in this House. He could have wished they had been a little more generous in their treatment of the Amendments which they now found in the Bill, but he hoped that even now, at the eleventh hour, the Government might see their way so to deal with those Amendments as to secure the passing of the Bill in a more just form than would have otherwise been possible.

MR. T. M. HEALY said that the Government seemed to be giving a double appeal, first an appeal to Mr. Justice Wylie and next to the Irish Court of Appeal. He pointed out that if there were to be 2,000 cases and only four years to try them, first, that Mr. Justice Wylie had a great deal to do, and secondly, that great pressure would be put on him by the landlords to discharge his ordinary duties connected with the purchase of land. Suppose the landlords made a block in these cases, suppose they appealed in all cases to Mr. Justice Wylie and took all the cases to the Court of Appeal. That was an admirable tribunal, but it had a great deal to do, and four years would not be enough if there was a general attempt by the landlords to cause undue pressure. He would suggest the Government should introduce some such words as "unless in the case where an appeal has been taken under this Act."

MR. JOHN REDMOND (Waterford) said that before they came to the detailed examination of the Lords Amendments he would like to say two or three general words on what has been transpiring. He did not intend to enter at all into such questions as those raised by the Member for South Dublin as to the urgency of the measure. It must be plain to everybody who knew anything about the subject that the restoration of the evicted tenants was an urgent matter. In 1903 it was recognised as an essential part of the proposed Land Act, and the Act of 1903 would not have been assented to by the Irish Members except on the understanding that the evicted tenants would be immediately restored to their homes. There had been four years since then, and it was unnecessary to labour the question of urgency. He desired to say a few words on the question of appeal. When they came to the detailed examination of the Amendments they would be able more clearly to understand what the Government proposed. He understood that the intention was that on the question of value a decision should be given by the Judicial Commissioner in the same way as there was given to-day an appeal from the Estates Commissioners as to the price paid for the redemption of superior and inferior interests. At the present moment these superior interests were compulsorily acquired at a price fixed by the Commissioners, and there was an appeal from them to Mr. Justice Wylie. He understood there was no intention that there should be a general right of appeal from the Judicial Commissioner to the Court of Appeal. On the question of appeal generally he must say at once that he did not think any appeal from the Estates Commissioners was required at all. He believed that the Estates Commissioners were quite competent to give an impartial decision on this matter, and he regretted that the Government had given way even to the extent they had done. Of course if there was to be an appeal they must take care it was limited and given to the Judicial Commissioner and not to any other tribunal. It was absurd to say, as the

Member for South Dublin had done that it was an unfair thing for this appeal to be from the Estates Commissioners to their own colleague. These were all appeals on the question of value when it was decided by the Estates Commissioners and it was necessary that the appeal must be limited and must be to the tribunal suggested. Other questions mentioned by the right hon. Gentleman were questions of price and compensation. He was very glad to hear the Chief Secretary declare that the Bill as it came down from the House of Lords was worse than useless. Most undoubtedly, so far as he had any influence in the matter, he would be against the passage of the Bill at all as it had come from the Upper House, and he rejoiced to hear the right hon. Gentleman say that that was his view. The Member for South Dublin talked of getting a fair price, and that was all the landlords wanted. The Bill as it left this House provided for a fair market-price; the House of Lords struck out fair market-price wherever it appeared, and substituted "compensation," and they put other Amendments into the Bill providing that compensation was to consist, as had been pointed out, not only of a fair market-price but of all sorts of other conditions. One other matter, and perhaps it was the more important—the question of the planters. He confessed he did not understand what the Chief Secretary proposed. What he thought at first he meant was that, in the decision whether a planter was to be turned out or not, the Judicial Commissioner was to be associated with the Estates Commissioners. As he went on it seemed as though his intention was that the Judicial Commissioner should have a right of veto.

Mr. BIRRELL: What I intended to say was that on the question whether a planter was to go or not the Estates Commissioners or any two of them and the Judicial Commissioner must be of the same mind.

Mr. JOHN REDMOND: That is to say the Judicial Commissioner is to have the veto.

Mr. BIRRELL: No.

Mr. T. M. Healy.

Mr. JOHN REDMOND: No planter is to be put out without his consent?

Mr. BIRRELL: That is so.

Mr. JOHN REDMOND said he regretted very much that that was so. The concession was far too much to make. If they left it to the Estates Commissioners acting with the Judicial Commissioner ample protection would be given to the planter. Those who were acquainted with these gentlemen knew perfectly well that no case of hardship would arise. They were not going to raise a flame in Ireland by turning out of their holdings men who ought to be left in possession in peace and quiet to carry on their avocation. There were many other questions on which he hoped the Government would stand firm. The House of Lords, for example, crossed out of the Bill altogether the clause which enabled resales to be made at a loss. He hoped the Chief Secretary was going to stand by that clause.

Mr. BIRRELL: Yes.

Mr. JOHN REDMOND said that it was important. The House of Lords had also struck out a clause giving secure tenure of office to the Estates Commissioners. He hoped the Chief Secretary was going to stand by that.

Mr. BIRRELL indicated assent.

Mr. JOHN REDMOND said there were three Estates Commissioners, all appointed by the late Government. Of these three, one had secure tenure of office. The other two held office by much less secure tenure. They asked that those who held office by insecure tenure should be put in the same position as the one who held office on a secure tenure. As it happened one of these two holding insecure positions had been denounced by Gentlemen above the gangway in the most scandalous manner, but it so happened that the one who had a secure tenure was the friend of hon. Gentlemen above the gangway. He was declared by the hon. Member for North Armagh in that famous letter to be his intimate friend whom the hon. Member was anxious to defend. All they asked was that the same tenure should be given to all these three gentlemen, and he sincerely trusted the right hon. Gentleman would stand firm upon that matter. He would not go into the other questions, which would arise as they were reached. He would content himself with saying that he listened with considerable regret to the question about veto on the question of planters. He listened, however, with great pleasure to the statement that the Bill, taking it as a whole, as it had come down from the House of Lords, was worse than useless. He hoped the right hon. Gentleman would stand firm, and that hon. Members above the gangway and their friends in the House of Lords would take a serious view of this matter; that they would see it was in their interest and in the interest of the peace of the country and of the speedy settlement of the land question that they should meet the Government at least half-way on the question and enable a Bill to be passed that would speedily restore the evicted tenants to their homes.

Lords Amendment considered.

Lords Amendment—

"In page 1, lines 5 to 13, to leave out sub-section (1) of Clause 1, and insert—'(1) If the Estates Commissioners are unable to acquire by agreement and on reasonable terms suitable land for the purposes of this Act, and if they have offered to the person appearing to them to be the owner of any land which they desire to acquire compulsorily for such purposes compensation for the loss which would be sustained by the owner by being deprived thereof, and he has not within the prescribed time accepted the offer, they may, subject to the provisions of sub section eight of Section two of this Act, acquire that land compulsorily for those purposes in accordance with the provisions of this Act, and shall declare any land so acquired to be an estate'"—

the first Amendment read a second time.

MR. BIRRELL said he moved that this House doth disagree with the Lords in the said Amendment. He did not think that it was necessary for him to repeat what he had already said.

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."—(*Mr. Birrell.*)

MR. JAMES CAMPBELL said he did not propose to occupy the time of the House at any length in regard to the suggestions that had been made by the right hon. Gentleman opposite in regard to the Bill. The right hon. Gentleman had sketched his idea of what he proposed to do, but there were many important Amendments on which he had given them no information as to the views of the Government. Dealing with the first Amendment, which the right hon. Gentleman had said he would like the House to reject, he wished to tell the House in a very few words what really was proposed. The Bill, as it stood when it left this House, enabled the Estates Commissioners to put the compulsory provisions of the Bill in force in any case where it might be unnecessary, but where they thought it expedient. It was quite consistent with the Bill as it then stood that though the owner of the land was perfectly willing voluntarily to sell his land on terms which any reasonable tribunal might decide to be a fair price, nevertheless the Estates Commissioners were to be at liberty to come down and say: "We will not bargain with you at all, but we will proceed compulsorily to buy you out." That was a wholly unnecessary and quite gratuitous interference. The most remarkable thing, an unprecedented thing in his experience, was that Gentlemen below the gangway were indulging in a conspiracy of praise in reference to the Estates Commissioners. During the years he had been in that House he had heard many denunciations of the Land Commission, the Land Commissioners, the Sub-Commissioners, and the Judicial Commissioners. He had heard them repeatedly denounced, but in this case, for the first time, there was a conspiracy of praise on the part of the hon. Gentleman from Ireland below the gangway in regard to at least two of the Commissioners.

MR. JOHN REDMOND: All of them.

MR. JAMES CAMPBELL said not all of them. He would remind the hon. Member for Waterford of the criticisms which he himself passed on one of them in 1903. The unprecedented and rather striking fact to which he had referred was a matter which suggested at least some caution to the minds of those who were inclined to take their views of the merits of a tribunal from the reception the Bill received from hon. Gentlemen below the gangway. By the Amendment which had been inserted in another place they were to give a fair market price to the owner of the land. He thought that that was a most objectionable phrase; there was no market in the ordinary sense of the word, for to-day there was no market in many parts of the country for land, for the simple reason that the only possible buyers were the tenants. The only possible purchaser was the occupying tenant or the Estates Commissioners, and, therefore, to speak of the market price for land in many parts of Ireland was to speak of a thing which did not exist. The right hon. Gentleman said he objected to the principle of compensation. Why? It was the first time that where they took away land compulsorily they did not give compensation.

Mr. BIRRELL asked what the right hon. Gentleman meant by compensation?

Mr. JAMES CAMPBELL said he would think that the right hon. Gentleman's legal training would have told him that.

Mr. BIRRELL said he knew what the right hon. Gentleman meant.

Mr. JAMES CAMPBELL asked what then was the reason for the interruption? He would have taken it to mean what it had always been held to mean in the last sixteen years, not only in Ireland, but in this country under any system by which the land was taken away from the landowner against his will. It was the first principle of justice and fair play that they should give compensation. Were they going to compensate a man in one way in England and in another way in Ireland? Were they going to take out of that Bill the theory which was the practice in England and Scotland? Under the Lands Clauses Act of 1845 compensation was provided for, and if they denied that right to the Irish landowner the right hon. Gentleman must see that they were committing an act of injustice. He was at a loss to conceive, of course no one conceived, how under that Bill the landlord was to get bonuses. The right hon. Gentleman had also gone on to say that the landlord also got arrears of rent. He did nothing of the kind. The Bill provided that the Court might give him that portion of the arrears which was thought just. The right hon. Gentleman had said that that meant all arrears of rent, but he did not think that that was a fair representation of the Amendment. In his criticism of that part of the Amendment the right hon. Gentleman had forgotten that his own predecessor had recommended that in a case where land was bought for the reinstatement of an evicted tenant the landlord was to get such a portion of the arrears of rent as the Court thought just. The Amendment simply gave effect to that. He could not understand why the right hon. Gentleman should have said that the Amendment proposed to give all the arrears of rent when all the Amendment said was that they should get such a portion as the Court should think fair. The two things which the Amendment provided for in the shape of alteration to the Bill were first that it prevented the Estates Commissioners from putting into force the compulsory powers in any case where they could get the land by agreement on reasonable terms—the right hon. Gentleman had said that meant reasonable terms for the landlord, but it meant nothing of the kind, it meant reasonable terms in the opinion of the Estates Commissioners or in the opinion of the Court which the right hon. Gentleman meant to set up or which he understood the right hon. Gentleman meant to set up.

Mr. BIRRELL: Not on this point.

Mr. JAMES CAMPBELL asked why not? It was absurd and showed an absence of logic in the course that was being taken that that point should not be included. An appeal was to be given on the question of compensation, but the right hon. Gentleman refused to give an appeal from the Estates Commissioners' decision as to the necessity for putting the Act into operation. The right hon. Gentleman had not been frank in what he had chosen to do. It would have been far better for him to have said, "We will not give an appeal at all." He asked the House to adhere to the Amendment because it provided that the Estates Commissioners were not to put in force compulsory powers in regard to anything which they could do without those powers on reasonable terms, and because it provided that the landlord should get what other landlords in England and Scotland got, not the market price, but compensation, which meant adequate remuneration. He hoped that under these circumstances the right hon. Gentleman would at any rate see his way, if he objected to giving an appeal from the decision of the Estates Commissioners upon this point, to adopt the course he (Mr. Campbell) suggested. Perhaps he would not raise any great objection to that. He pressed the right hon. Gentleman to accept his suggestion that the operations of the clause should provide for compensation as distinct from the fair market price. The Estates Commissioners themselves had had to say that they could not tell what was the fair market price of land in the West of Ireland, because there was no market there for land.

Question put.

The House divided :—Ayes, 154; Noes, 22. (Division List No. 449.)

AYES.

Abraham, William (Cork, N.E.)
Ainsworth, John Stirling
Ambrose, Robert
Baring, Godfrey (Isle of Wight)
Barnard, E. B.
Barnes, G. N.
Barry, E. (Cork, S.)
Barry, Redmond J. (Tyrone, N.)
Beaumont, Hon. Hubert
Benn, W. (T'w'rHamlets, S.Geo.
Birrell, Rt. Hon. Augustine
Boland, John
Bowerman, C. W.
Brace, William
Branch, James
Brodie, H. C.
Brunner, J.F. L. (Lancs., Leigh)
Burns, Rt. Hon. John
Byles, William Pollard
Carr-Gomm, H. W.
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Churchill, Rt. Hon. Winston S.
Clancy, John Joseph
Clough, William
Clynes, J. R.
Condon, Thomas Joseph
Cooper, G. J.
Corbett, C.H (Sussex, E. Grinst'd
Craig, Herbert J. (Tynemouth)
Crossley, William J.
Cullinan, J.
Delany, William
Devlin, Joseph
Dewar, Arthur (Edinburgh, S.)
Dickinson, W.H. (St. Pancras, N.
Donelan, Captain A.
Duffy, William J.
Duncan, C. (Barrow-in-Furness)
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Elibank, Master of
Essex, R. W.
Farrell, James Patrick
Fenwick, Charles
Ffrench, Peter
Field, William
Flavin, Michael Joseph
Fuller, John Michael F.
Gill, A. H.
Ginnell, L.
Goddard, Daniel Ford
Gulland, John W.
Gwynn, Stephen Lucius
Halpin, J.
Harmsworth, Cecil B. (Worc'r)
Haworth, Arthur A.
Hayden, John Patrick
Hazel, Dr. A. E.
Hazleton, Richard
Healy, Timothy Michael
Henderson, Arthur (Durham)
Henderson, J.M. (Aberdeen, W.)
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Hogan, Michael
Illingworth, Percy H.
Johnson, John (Gateshead)
Jowett, F. W.
Joyce, Michael
Kekewich, Sir George
Kennedy, Vincent Paul
Kilbride, Denis
Lamont, Norman
Lardner, James Carrige Rushe
Lewis, John Herbert
Lough, Thomas
Lundon, W.
MacNeill, John Gordon Swift
Macpherson, J. T.
MacVeagh, Jeremiah (Down, S.)
MacVeigh, Charles (Donegal, E.)
M'Callum, John M.
M'Crae, George
M'Hugh, Patrick A.
M'Kean, John
M'Killop, W.
Maddison, Frederick
Manfield, Harry (Northants)
Markham, Arthur Basil
Meehan, Patrick A.
Menzies, Walter
Montgomery, H. G.
Mooney, J. J.
Muldoon, John
Murphy, John (Kerry, East)
Murphy, N. J. (Kilkenny, S.)
Nicholls, George
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien, Kendal (TipperaryMid.
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Connor, T. P. (Liverpool)
O'Doherty, Philip
O'Donnell, C. J. (Walworth)
O'Donnell, T. (Kerry, W.)
O'Grady, J.
O'Malley, William
O'Shee, James John
Parker, James (Halifax)
Pearce, Robert (Staffs., Leek)
Pearson, W.H.M. (Suffolk, Eye)
Pirie, Duncan V.
Power, Patrick Joseph
Price, C. E. (Edinb'gh, Central)
Radford, G. H.
Rainy, A. Rolland
Reddy, M.
Redmond, John E. (Waterford)
Redmond, William (Clare)
Richards, Thomas (W. Monm'th)
Richards T.F. (Wolverh'mpt'n)
Rickett, J. Compton
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott (Bradf'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Rowlands, J.
Russell, T. W.
Samuel, S. M. (Whitechapel)

Scott, A.H. (Ashton-under-Lyne
Sheehan, Daniel Daniel
Sheehy, David
Silcock, Thomas Ball
Soan, Thomas Henry
Smyth, Thomas F. (Leitrim, S.)
Stanley, Albert (Staffs., N.W.)
Stanley, Hn. A. Lyulph (Chesh.)
Summerbell, T.
Taylor, John W. (Durham)
Toulmin, George
Trevelyan, Charles Philips
Vivian, Henry
Walsh, Stephen
Ward, W. Dudley (Southampton
Waring, Walter
Waterlow, D. S.
White, J. D. (Dumbartonshire)
White, Patrick (Meath, North)
Whitehead, Rowland
Whitley, John Henry (Halifax)
Wilson, W. T. (Westhoughton)

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Barrie, H.T. (Londonderry, N.)
Beach, Hn. Michael Hugh Hicks
Bridgeman, W. Clive
Bull, Sir William James
Campbell, Rt. Hon. J. H. M.
Carlile, E. Hildred
Cavendish, Rt. Hn. Victor C.W.
Cecil, Lord John P. Joicey
Chamberlain, Rt. Hn. J. A (Worc.
Courthope, G. Loyd
Craig, Charles Curtis (Antrim, S.)
Fetherstonhaugh, Godfrey
Forster, Henry William
Gibbs, G. A. (Bristol, West)
Gretton, John
Harris, Frederick Leverton
Hunt, Rowland
Long, Rt. Hn. Walter (Dublin, S.)
Ronaldshay, Earl of
Staveley-Hill, Henry (Staff'sh.)
Thomson, W. Mitchell-(Lanark)
Younger, George

TELLERS FOR THE NOES—Mr. Pike Pease and Marquess of Hamilton.

Lords Amendment—

"In page 2, line 4, after the word 'Acts' to insert the words 'not exceeding two thousand in all.'"

The next Amendment read a second time.

MR. BIRRELL moved that the House disagree with this Amendment. He had never been able to make hon. Gentlemen opposite understand his objections to the enumeration of the precise number of tenants who were to be reinstated. The insertion of these words in this place was most undesirable and misleading. The Bill simply sought to reinstate tenants on lands that were compulsorily acquired. There was no question of reinstating them on lands acquired voluntarily under the Act of 1903. Nobody contemplated that there would be 2,000 evicted tenants reinstated on land acquired compulsorily. While the Act was in operation they would still be going on reinstating tenants on land acquired voluntarily, and it was out of the question to suppose that there would be 2,000 tenants who would be reinstated under this Act, and put on land acquired for the purposes of this Act. He therefore thought that the effect of introducing the figures 2,000 would be to create an impression which he was most anxious not to do, that there would be 2,000 persons reinstated on land acquired under this Act. As he did not wish that any false impression on the subject should be conveyed he had to move that the House disagree with the Amendment.

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."—(*Mr. Birrell.*)

MR. WALTER LONG said that the Chief Secretary did not do himself justice. They had always clearly understood on the Opposition side the right hon. Gentleman's reasons for not putting an Amendment in the Bill on this subject. On the other hand, he (Mr. Long) had never understood the arguments by which the right hon. Gentleman supported his reasons, because they had always pointed to his accepting this Amendment when it came down from another place, whereas now the House found that it was his intention to refuse it. The Chief Secretary had told them that he did not wish to insert a particular number in the Bill because it would convey the impression that exactly that number of tenants were to be restored under the measure. He (Mr. Long) submitted, with great respect, that that argument was perfectly ridiculous. This was not a question for the Government. The whole of the Bill would be carried out by the Estates Commissioners, and by their policy the Government were abandoning some of the control which they had over the Estates Commissioners at the present time. Really the Chief Secretary did not realise why it was that the Opposition were anxious about this question of numbers. It was not because they thought that he or the Estates Commissioners would yield to pressure, but it was because under the present

Administration, which had not been two years in office, the figures had grown from 800, which was the maximum given by one of the Members for Mayo, to 3,000, which was the number of selected men out of 7,000 or 8,000. He pointed out also that the number of 700 to 800 had grown in the first instance from 400 or 500. He repeated that it was not because they thought the Chief Secretary would bow to undue pressure but because they thought that what the Government had kept on telling them they meant to do ought to be put in their Act of Parliament that they so strongly pressed the Chief Secretary to retain this Amendment in the Bill. If they were going to have a maximum number, why in the name of fortune did not the Government put the 2,000 in the Bill and say that that was the maximum beyond which the Commissioners should not go, in the interests of the Estates Commissioners themselves quite as much as in that of the community?

MR. CHARLES CRAIG said he believed that in connection with the Act of 1903 the limit of 800 tenants was suggested to be inserted in that Bill. One of the two leaders of the Irish Party during the discussion of 1903 repeatedly assured the House that the number of tenants who could possibly claim to be re-instated under that Act could never exceed 500 or 600 persons. They had also been informed that the Land Act had failed. Twice the number stated by the Member for Waterford as the total of evicted tenants had since that Act been re-instated. Yet in spite of these facts he told them now that the evicted tenants clauses of the Act had been a dead letter. He was glad the House of Lords had introduced this Amendment—an Amendment which the House would remember they endeavoured to have inserted in the House of Commons. If some limitation of that sort were not to be introduced he was perfectly certain the 2,000 would increase to 4,000 or 5,000. The Chief Secretary had informed them it would not make any difference whether they put the number in or not. He would like to see the number put in so that the Estates Commissioners would be prohibited from dealing with others even voluntarily. The Estates Commissioners had made investigations and had said that 2,000 ought to be re-instated. What objection then could there be to putting that in the Bill and having the question settled? It was well known to everybody that pressure would be exercised on the Estates Commissioners.

MR. FLAVIN: *A la* Moore.

MR. CHARLES CRAIG said the hon. Member and his colleagues probably knew a little more about these things than he did. One of them said he had been doing his best since 1903 to put the planters out and evicted tenants in their places. In face of such statements no one could doubt what would happen. Whether they were to be reinstated compulsorily or voluntarily did not make the slightest bit of difference. He said they would be using money much better in hastening on what was the principal object of the Act of 1903—the conversion of the ordinary tenant farmer into the owner of his own farm.

Question put.

The House divided:—Ayes, 144; Noes, 21. (Division List No. 450.)

AYES.

Abraham, William (Cork, N.E.)
Ainsworth, John Stirling
Ambrose, Robert
Baring, Godfrey (Isle of Wight)
Barnard, E. B.
Barnes, G. N.
Barry, E. (Cork, S.)
Barry, Redmond J. (Tyrone, N.)
Beaumont, Hon. Hubert
Benn, W. (Tower Hamlets, S. Geo
Birrell, Rt. Hon. Augustine
Boland, John
Bowerman, C. W.
Brace, William
Branch, James
Brodie, H. C.
Brunner, J. F. L. (Lancs., Leigh)
Burke, E. Haviland-
Byles, William Pollard
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Churchill, Rt. Hon. Winston S.
Clancy, John Joseph
Clough, William
Clynes, J. R.
Condon, Thomas Joseph
Cooper, G. J.
Corbett, CH (Sussex, E. Grinst'd)
Crossley, William J.
Cullinan, J.
Delany, William
Devlin, Joseph
Dickinson, W. H. (St. Pancras, N.
Donelan, Captain A.
Duffy, William J.
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Elibank, Master of
Essex, R. W.
Farrell, James Patrick
Fenwick, Charles
Ffrench, Peter

Field, William
Flavin, Michael Joseph
Fuller, John Michael F.
Ginnell, L.
Goddard, Daniel Ford
Gulland, John W.
Gwynn, Stephen Lucius
Halpin, J.
Harmsworth, Cecil B. (Worc'r)
Haworth, Arthur A.
Hayden, John Patrick
Hazel, Dr. A. E.
Hazleton, Richard
Healy, Timothy Michael
Henderson, Arthur (Durham)
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Hogan, Michael
Illingworth, Percy H.
Johnson, John (Gateshead)
Joyce, Michael
Kekewich, Sir George
Kennedy, Vincent Paul
Kilbride, Denis
Lamont, Norman
Lardner, James Carrige Rushe
Lewis, John Herbert
Lough, Thomas
Lundon, W.
MacNeill, John Gordon Swift
MacVeagh, Jeremiah (Down, S.
MacVeigh, Charles (Donegal, E.)
M'Callum, John M.
M'Crae, George
M'Hugh, Patrick A.
M'Kean, John
M'Killop, W.
Maddison, Frederick
Manfield, Harry (Northants)
Markham, Arthur Basil
Meehan, Patrick A.
Menzies, Walter
Montgomery, H. G.
Mooney, J. J.
Muldoon, John
Murphy, John (Kerry, East)
Murphy, N. J. (Kilkenny, S.)
Nicholls, George
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien, Kendal (Tipperary, Mid
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Connor, T. P. (Liverpool)
O'Doherty, Philip
O'Donnell, T. (Kerry, W.)
O'Grady, J.
O'Malley, William
O'Shee, James John
Pearce, Robert (Staffs, Leek)
Pearson, W.H.M. (Suffolk, Eye)
Power, Patrick Joseph
Price, C. E. (Edinb'gh, Central)
Radford, G. H.
Rainy, A. Rolland
Reddy, M.
Redmond, John E. (Waterford)
Redmond, William (Clare)
Richards, Thomas (W. Monm'th
Richards, T. F. (Wolverhampton
Rickett, J. Compton
Roberts, G. H. (Norwich)
Robertson, Sir G Scott (Bradf'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Rowlands, J.
Russell, T. W.
Samuel, S. M. (Whitechapel)
Scott, A.H. (Ashton-under-Lyne
Sheehan, Daniel Daniel
Sheehy, David
Silcock, Thomas Ball
Sloan, Thomas Henry
Smyth, Thomas F. (Leitrim, S.)
Stanley, Albert (Staffs., N.W.)
Stanley, Hn. A. Lyulph (Chesh.)
Strachey, Sir Edward
Summerbell, T.
Taylor, John W. (Durham)
Toulmin, George
Trevelyan, Charles Philips
Vivian, Henry
Walsh, Stephen
Ward, W. Dudley (Southamp'n)
Waring, Walter
Waterlow, D. S.
White, J. D. (Dumbartonshire)
White, Patrick (Meath, North)
Whitehead, Rowland
Whitley, John Henry (Halifax)
Wilson, W. T. (Westhoughton)

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Barrie, H. T. (Londonderry, N.
Beach, Hn. Michael Hugh Hicks
Bridgeman, W. Clive
Bull, Sir William James
Campbell, Rt. Hon. J. H. M.
Carlile, E. Hildred
Cavendish Rt. Hn. Victor C. W.
Cecil, Lord John P. Joicey-
Chamberlain, Rt Hn J. A. (Worc.)
Courthope, G. Loyd
Craig, Charles Curtis (Antrim, S.
Fetherstonhaugh, Godfrey
Gibbs, G. A. (Bristol, West)
Gretton, John
Harris, Frederick Leverton
Hunt, Rowland
Long, Rt. Hn. Walter (Dublin, S.
Pease, Herbert Pike (Darling'n)
Staveley-Hill, Henry (Staff'sh.)
Thomson, W. Mitchell-(Lanark)
Younger, George

TELLERS FOR THE NOES—Mr. Forster and Marquess of Hamilton.

Lords Amendment—

"In page 2, line 15, after the word 'land' to insert the words 'provided always that no lands shall be acquired compulsorily which have been purchased or agreed to be purchased under the Land Purchase Acts prior to the first day of May, one thousand nine hundred and seven, nor any tenanted land which is in the possession or occupation of a *bona-fide* tenant using or cultivating the same as an ordinary farmer in a husbandlike manner.'"

The next Amendment read a second time.

*MR. CHERRY moved, "That this House doth disagree with the Lords in the said Amendment." Although he formally moved disagreement he intended to propose consequential Amendments in the Bill as it left the House, which would really have the effect of giving a good deal of what the Amendment provided, and would, he thought, meet hon. Members as regarded purchase. The House would see that the Amendment dealt with three different points. It provided that no land should be acquired compulsorily which was subject to an annuity. They did not think that was necessary, but it was put in because it was thought that there was some doubt as to whether land subject to an annuity could be purchased. The second matter was as to lands agreed to be purchased prior to the 1st May, 1907, which was also excluded. The difference in the date was the substitution of May for December. It was an important matter, for it dealt with the people who wished to enter into agreements with a view to the coming into operation of the Act, and if the Amendment were carried he would later move the substitution of the word May for December. The third and most important point was what was known as Lord Robertson's Amendment dealing with the case of the planters. His right hon. friend had already explained to the House that they thought that the acceptance of the Amendment would entirely nullify the clause. Every tenant would say he was a cultivator in a husbandlike way and would claim to be a *bona-fide* tenant, and therefore secure under the Act as a new tenant. If that were adopted the result would be that the carrying out of the Act would be seriously interfered with. They proposed to take the absolute discretion of disturbing the new tenants from the Estates Commissioners and to provide that the Judicial Commissioner must be a consenting party. They proposed to make Amendments to Clause 3 later on. They would provide that if the Estates Commissioners differed, two on one side and one on the other, the Judicial Commissioner should be called in. If he agreed with the two the tenant could be disturbed; if he agreed with the one and not with the two the tenant could not be disturbed. If the three Estates Commissioners were in favour of putting a tenant out the Judicial Commissioner was not to interfere.

Motion made, and Question proposed, "'That this House doth disagree with the Lords in the said Amendment."—(*Mr. Cherry.*)

Mr. JAMES CAMPBELL said the right hon. Gentleman had given a clear explanation of the intentions of the Government as regarded the first part, and there could not be much to say to that, for the alterations the Government proposed were not, in his opinion, so material as to take up the time of the House at that time of the morning. He must, however, call the attention of the House to one thing. It was quite plain that neither the Attorney-General nor the Chief Secretary quite understood what was the proposal they were making. The Chief Secretary left him, and the hon. and learned Member for Waterford also, he thought, under the distinct impression that a Judge or Judicial Commissioner was to have the power of veto as to the removal of a planter. The Chief Secretary had said it was proposed that the Judicial Commissioner was to come in in every case, and that no planter was to be removed except with the right of the Judicial Commissioner to veto it. He had put the case where the three Estates Commissioners were agreed and asked was there to be the power of veto. Apparently the Chief Secretary and himself were both wrong. There was to be no interference by the Judicial Commissioner where the three Estates Commissioners had decided to put a man out. There was, therefore, no appeal from the Estates Commissioners where the Estates Commissioners were agreed on the necessity for putting a man out. What advantage had that proposal over the Amendment in another place? He would like to remind the House, in regard to the origin of the clause, that the Chief Secretary had said that he did not know what a *bona-fide* farmer was. Every Member from Ireland knew what was meant, and he would have thought that the right hon. Gentleman would have known the interpretation put on those words in Acts of Parliament. Speaking in 1903 in the debate on the Land Purchase Act, the hon. and learned Member for Waterford said he would never vote for the compulsory removal of *bona-fide* planters. The expression *bona-fide* which had so puzzled the Chief Secretary was the very expression used by the hon. and learned Member for Waterford, who knew as much about farming in Ireland as the Chief Secretary. He thought the right hon. Gentleman was going a little too far when he asked a moment or two ago what was a *bona-fide* farmer.

Mr. BIRRELL said he had said *bona-fide* tenant.

Mr. JAMES CAMPBELL said he would test the sincerity of the right hon. Gentleman's interruption. He was quite satisfied. If the point was that the right hon. Gentleman did not know what was meant by the phrase "*bona-fide* tenant," he was content to make a change and insert the words "*bona-fide* farmer." Words of that nature were already in Irish land legislation and had to be considered and decided on by their Courts in Ireland over and over again. If the right hon. Gentleman had any difficulty, the words "in a *bona-fide* possession and occupation" were to be found in the Land Acts of 1881 and 1887. They had formed from time to time, as he thought the right hon. Gentleman knew, and as they all knew, the subject matter for discussion. The expression was thoroughly understood by every person in Ireland, and he believed by every person out of Ireland who wanted to understand them, including the Chief Secretary.

Mr. BIRRELL said he had never understood it.

Mr. JAMES CAMPBELL said there were some things the right hon. Gentleman did not want to understand.

Mr. BIRRELL said he had heard many Judges say that they could not understand what *bona fide* meant.

Mr. JAMES CAMPBELL said many other Judges had defined what *bona fide* meant. He could assure the right hon. Gentleman that there would be no difficulty in Ireland, either with the Estates Commissioners, the Judicial Commissioner, or any other Judge. There would not be the slightest difficulty in determining what was meant by *bona-fide* tenant or *bona-fide* farmer. If the right hon. Gentleman was still in serious difficulty as to what was meant by the expression *bona-fide* farmer, he could refer him to the source from which it was taken. Lord Crewe, in the House of Lords, said that so far as his Government were concerned neither they nor he would be a party to putting out any *bona-fide* farmer. If the right hon. Gentleman was still in any difficulty to know what those words meant, he would refer him to his own colleague, who had charge of the Bill in another place. What was the right hon. Gentleman's objection, if he was sincere in his desire to protect any of those men who were *bona-fide* farmers, to adopting a definition which came from the lips of the hon. and learned Member for Waterford, a lawyer who knew what he was speaking of, in 1903? If the right hon. Gentleman should object to having that expression in his Bill after it had been used by his colleague in the House of Lords he could not understand the right hon. Gentleman's position. He could have understood the difficulty of the right hon. Gentleman if he had said that the words that followed, "husbandlike manner," created some difficulty in his mind, but that did not appear to be his difficulty.

Mr. BIRRELL: I mentioned that.

Mr. JAMES CAMPBELL thought the burden on the right hon. Gentleman's mind, the great strain on his intellect, was the question of the *bona-fide* farmer.

Mr. BIRRELL: The learned Gentleman has thoroughly thrashed out the *bona-fide* farmer.

Mr. JAMES CAMPBELL said he was glad to have an assurance from the right hon. Gentleman that the matter was thoroughly thrashed out. That being so, he hoped there would be no difficulty in the right hon. Gentleman's saying that he would adhere to the Amendment. He would tell the right hon. Gentleman, speaking in all seriousness, that this was one of the most important points that they had to discuss. He believed that the Chief Secretary would be seriously imperilling the fate and future of his Bill if he deprived the new tenants of the protection provided for them under the measure as it now stood—a protection to which they were eminently entitled. Speaking in 1894, the Vice-President of the Department of Agriculture said that he for one would go out into the wilderness rather than be a party to any piece of legislation that turned out these men to put in the evicted tenants. The curious irony of the thing was that the hon. Gentleman now sat on the Front Bench opposite and supported a Government which was doing the very thing against which he formerly protested. The Vice-President of the Department of Agriculture ought to assist the

Opposition in seeing that this Bill was not made an engine of oppression against these men. A number of these men were *bona-fide* farmers, and it was for their protection that this Amendment was put in. All he had to say in conclusion was that he believed if this Amendment was rejected it would create a very grave prejudice against the Bill, and a great difficulty would be placed in the way of the measure's ultimately becoming law. As regarded the alternative suggestion by the learned Attorney-General, the House was led to believe that the protection the new tenant was to get was that in every case the Judicial Commissioner was to have a veto.

*MR. CHERRY said there was a little ambiguity in the words as he read them out. He suggested a slight alteration so as to provide that no tenant could be disturbed "unless any two of the Estates Commissioners and the Judicial Commissioner, having regard to all the circumstances of the case, consider it expedient." That made it necessary that the Judicial Commissioner should concur.

MR. JAMES CAMPBELL said it appeared that he was perfectly right in calling attention to the invidious position in which this matter was left. He quite recognised the spirit in which the right hon. Gentleman had given way, but he believed that the Government were imposing an extra duty on a Judge who had already as much work to get through as he could do. He was not for one moment going to attack either the impartiality or the fairness of Mr. Justice Wylie. He had every respect for his ability and impartiality. He would remind the Chief Secretary, however, that already his Government had proceeded to make an additional appointment to the judicial bench in Ireland on the express ground that the Judicial Commissioner had so much to do with ordinary land purchase matters that he could not attend to the fair rent appeals. Yet under this Bill they were not only going to make him judge all appeals from the Estates Commissioners, but they were also going to make him inquire into every case in which a planter was removed. That meant that they were going to increase the duties of the Judicial Commissioner enormously, and he joined in the appeal which had been made to the right hon. Gentleman to reconsider the position as affecting the Judicial Commissioner. There was another objection to associating Mr. Justice Wylie at all with the case of these new tenants. Supposing that two of the Estates Commissioners, or the three of them, were in favour of turning out a new tenant, it would be exceedingly awkward if their own colleague, who, like themselves, had the *status* of a Land Commissioner, had to sit in judgment on them, and perhaps had to reverse the decision of his own colleagues. There was no suggestion of any kind against the ability, impartiality, and intelligence of Mr. Justice Wylie, but, on other grounds entirely, it was an unfortunate selection. The Judicial Commissioner should, in his opinion, be kept free to do the work which he already had to do, and which was as much as any one man could do. The main objection he had to the proposal was that it might bring Mr. Justice Wylie into direct conflict with his own colleagues and increase to a considerable extent that friction which all those who were behind the scenes knew already existed among the Estates Commissioners.

MR. BIRRELL said it was rather difficult to meet hon. Gentlemen opposite. The Government had always thought, and he still thought, that their Bill as originally drafted gave ample protection to those *bona fide* farmers, if he might use the expression, whom nobody desired to see removed. That was to say, the Estates Commissioners could not turn out any of these persons without having regard to all the circumstances of the case. Having considered all the circumstances of the case they had to come to the conclusion that it was expedient that the evicted tenant should be reinstated and that the planter should go. Everyone would see that it was a serious step. Of course, if they assumed that the Estates Commissioners had no consideration for a person who for many years had admirably performed the duties of a *bona fide* farmer cultivating his land in the manner described, then he quite agreed that the planter had not got full justice done to him. It was only because it had been impressed on them so much by hon. Gentlemen opposite and by persons in another place that the Government had decided it would be a proper thing to associate with the Estates Commissioners a judicial person. It had never been contended that anyone else except a Judge could be invoked in this matter. Lord Atkinson proposed that it should be a Judge of the High Court, and the Government invoked a Judge of the High Court. Therefore, when they associated the Judicial Commissioner with the Estates Commissioners in this matter he (Mr. Birrell) thought the Government had gone a long way to meet the demand, which he did not regard as being very powerful, that some other person than the Estates Commissioners should be called in. What more could they do? The right hon. Gentleman on the Front Opposition Bench said that it would be a matter of very great delicacy for the Judicial Commissioner to have to differ from his colleagues. He (Mr. Birrell) did not pretend to know everything about Judges, but he certainly had never known any English Judges show any extraordinary feeling of delicacy about differing from their colleagues on any question. Besides Mr. Justice Wylie had long been in the habit of sitting in appeal from the Estates Commissioners and there would be nothing unfamiliar in his finding himself in that position again. The right hon. Gentleman seemed to think that there would be such a large number of these appeals that Mr. Justice Wylie's time would be largely occupied. He (Mr. Birrell) did not think there was any justification for the belief that there would be such a large number of these persons appealing as to make serious inroads on the time of Mr. Justice Wylie. The Government thought that they were going a long way to meet hon. Gentlemen opposite when they associated a Judge of the High Court with the Estates Commissioners in order to give a man the most complete security any lawyer could suggest. He was not quite unreasonable. He had just told them he believed that only a small number of these so-called planters would be dispossessed. What was the Bill going to do? Everybody who had the smallest knowledge of the evicted tenants question knew that what the evicted tenant wanted was to get back into his own holding or the holding of his father. The planters were in occupation of these. How then could they get the evicted tenants back except in one way? The Opposition said that whatever the evicted tenants' claim might be, when they were dealing with a *bona fide* tenant farmer they ought not to displace him. They were urged to look at the experience of the Estates Commissioners in regard to the man's administration of land, but they were told by the Attorney-General that the reason of the Bill was not only the restoration of the evicted tenant who longed to be back in his home, but also greater difficulties of general administration. He did not regard the Amendment as satisfactory.

MR. T. M. HEALY said that as regarded the Irish Benches it was only with a mournful and reluctant acquiescence they had heard the statement of the Government. He made every allowance. Of course, the Government were not yielding to argument. There were only twenty of them opposing the measure, and it would be absurd to think they had prevailed. The Government were giving way to the intimidation and coercion of another place, and that was why he had not entered a more vigorous protest against what he recognised to be the almost unnecessary concessions made by the Government. The Government were in an almost impossible condition in dealing with Ireland. There they were at six o'clock in the morning hardly begun that debate——

AN HON. MEMBER: Whose fault is that?

MR. T. M. HEALY said it was the fault of the Act of Union. Why was this attack on Mr. Justice Wylie?

MR. JAMES CAMPBELL: Attack?

*MR. T. M. HEALY: Certainly, attack. You praised Mr. Justice Wylie with faint damns. Mr. Justice Wylie was appointed something like six months ago in place of Mr. Justice Meredith—a highly honourable man and a strong

Conservative. This Liberal appointee had given the landlords one year's purchase more for their superior interests than the appointee of the Conservative Government, and that was the gentleman about whom they grumbled. With regard to the statement about the planters he would tell them one case of an evicted tenant. He would not detain the House for a moment while he mentioned the case of the man in connection with whom he himself and others were imprisoned. This evicted tenant did not owe a shilling. His rent was £70. The landlord raised it to £103. Because he would not pay that rent he was put out of the holding. It was in 1880, before Mr. Gladstone's Land Act. A "grabber" was found—a tool of Lord Kenmare's (since dead), and was put in at the rent the other had always paid. The evicted tenant could find no shelter for himself and his wife and five children except under an upturned boat, where he died of fever. His family lived on public charity under this upturned boat for five years; then even out of the upturned boat Lord Kenmare turned them, and the unfortunate wife and children were hunted off the face of the land. The tenant's crops to the amount of £150 were seized and his improvements confiscated. Yet the agent of the late Lord Kenmare sat in Bantry court house, and for walking on his own land gave this man three months, his wife two months, and his sister-in-law two months imprisonment. When the got out, again and again and again they were sent to hard labour. To-day what was their position? Did hon. and right hon. Gentlemen think there would be any peace in that district as long as that widow and children smarted under injustice? He remembered the state in which the husband was buried, the corpse taken out of the boat, the rain pouring down as the priest said the last absolution, and that was a decent, substantial tenant before his cruel eviction. His children waited for relief and they were told of the honourable planter and not a word was said for those upon whom unjust laws which Mr. Gladstone altered had brought ruin.

MR. BARRIE pointed out that what the hon. Member had said had no sort of bearing on the question. He was sure the hon. Member had no desire to mislead the House. The tenants who were the object of this legislation were the products of a plan of campaign dating several years after the pathetic incident referred to. That must be impressed upon the British public. He was not surprised that that statement should not be welcomed on the Irish Benches, but they were dealing now with those who took the places of a large number of tenants in Ireland who were declared by the Member for North Mayo to have refused to pay rents, not because they were unable to pay them but because he and others had ordered them not to pay. It was these plan of campaign tenants they were trying to deal with and legislate for. The Amendment was of the most vital importance to those who were termed planters. He could only remind the House how different was the manner in which the Chief Secretary had referred to these persons that evening. The Government had reconsidered their opinion. They remembered the Attorney-General referred to the planters as obstinate men, as centres of disturbance.

*MR. CHERRY: I only said there might be exceptional cases where one obstinate man would cause disturbance in the district and where it would be desirable, in his own interest, to remove him.

MR. BARRIE said that no doubt the right hon. Member's words were on record, but his recollection was as he had stated to the House. He was glad that even at that late hour they had some better account given of these planters by the Chief Secretary. He regretted the Chief Secretary did not go a little further and accept the Amendment the Lords had made in the measure. He was anxious that the Bill should be placed on the Statute-book this year. He was anxious that that unpleasant sore should be finally closed, but he ventured to suggest to the Chief Secretary that if it was to be closed he should accept this Amendment. He was not going to refer in detail as to what had been said as to the suggested appeal. He had the pleasure of knowing the Judge to whom reference had been made, and he could not speak of him too highly. He came of a family honoured and respected all over Ireland, and the remarks of his (the hon. Member's) colleagues had no manner of reflection on his uprightness. But he cordially joined with them in the suggestion that the tribunal was not one that Mr. Justice Wylie would care to preside over, and he again urged on the Chief Secretary that he should accept the reasonable Amendment which the Lords had sent down.

MR. CHARLES CRAIG said he would not have risen but for the speech of the Member for North Louth. He did not suppose there had been anything said or during the debates which had shown such absolute justification for the action the Opposition had taken in the matter of appeal. What did he tell them in that harrowing story? The thing happened twenty years ago, and he asked the House did any of them think there would be peace in that district till the descendants of that man were restored? That gave the case away. That was exactly the position of nine-tenths of the evicted tenants, and he knew perfectly well there would be no peace in Ireland so long as there was the slightest loophole left, until all the evicted tenants were reinstated. He dared say the hon. Member did not know he was letting the cat out of the bag. Another hon. Member had told them without any concealment that he had always used his best endeavours to have the planters turned out. In spite of these things the Chief Secretary held the Ulster Members up to ridicule and addressed them as if they were semi-lunatics, because, forsooth, they had done their best, as they would continue to do, to see to it that these planters had justice. Their power might not be very great in that House, but there was another House which would respond. These men held their farms on grounds as legal and as justifiable as those upon which any Member of that House owned his house, and they were as little entitled to be disturbed in the enjoyment of their farms. He knew objection had been taken not only by the Chief Secretary but by hon. Members below the gangway to every suggestion in the nature of an appeal or safeguard for these unfortunate men. They objected because they knew that if these men were safeguarded and an appeal provided, the task of turning them out and reinstating the evicted tenants would be all the harder. They would fight to the very end, they had indeed fought to the very end, to see that those men were properly treated. For any right thinking man to refuse to put into that Bill proper safeguards for those unfortunate men was, he thought, a most despicable action. It had been proved time after time what the treatment was that those men were liable to and what they had met with at the hands of the Nationalist Members of that House and Nationalists outside, and proper precautions should be taken to safeguard them.

The House divided:—Ayes, 146; Noes, 21. (Division List No. 451.)

AYES.

Abraham, William (Cork, N.E.)
Ainsworth, John Stirling
Ambrose, Robert
Baring, Godfrey (Isle of Wight)
Barnard, E. B.
Barnes, G. N.
Barry, E. (Cork, S.)
Barry, Redmond J. (Tyrone, N.)
Beaumont, Hon. Hubert
Benn, W. (T'w'r Hamlets, S. Geo.
Birrell, Rt. Hon. Augustine
Boland, John
Bowerman, C. W.
Brace, William
Branch, James
Brodie, H. C.
Brunner, J. F. L. (Lancs., Leigh)
Burke, E. Haviland-
Burns, Rt. Hon. John
Byles, William Pollard
Carr-Gomm, H. W.
Cherry, Rt. Hon. R. R.
Clancy, John Joseph
Clough, William
Clynes, J. R.
Condon, Thomas Joseph
Cooper, G. J.
Corbett, C H (Sussex, E. Grinst'd)
Craig, Herbert J. (Tynemouth)
Cullinan, J.
Delany, William
Devlin, Joseph
Dickinson, W. H. (St. Pancras, N.
Donelan, Captain A.
Duffy, William J.
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Elibank, Master of
Essex, R. W.
Farrell, James Patrick
Fenwick, Charles
Ffrench, Peter
Field, William
Flavin, Michael Joseph
Fuller, John Michael F.
Gill, A. H.
Ginnell, L.
Goddard, Daniel Ford
Gulland, John W.
Gwynn, Stephen Lucius
Halpin, J.
Harmsworth, Cecil B. (Worc'r)
Haworth, Arthur A.
Hayden, John Patrick
Hazel, Dr. A. E.
Hazleton, Richard
Healy, Timothy Michael
Henderson, Arthur (Durham)
Henry, Charles S.

Higham, John Sharp
Hobhouse, Charles E. H.
Hogan, Michael
Illingworth, Percy H.
Johnson, John (Gateshead)
Jowett, F. W.
Joyce, Michael
Kekewich, Sir George
Kennedy, Vincent Paul
Kilbride, Denis
Lamont, Norman
Lardner, James Carrige Rushe
Lewis, John Herbert
Lough, Thomas
Lundon, W.
MacNeill, John Gordon Swift
MacVeagh, Jeremiah (Down, S.)
MacVeigh, Charles (Donegal, E.)
M‘Callum, John M.
M‘Crae, George
M‘Hugh, Patrick A.
M‘Kean, John
M‘Killop, W.
Maddison, Frederick
Manfield, Harry (Northants)
Markham, Arthur Basil
Meehan, Patrick A.
Montgomery, H. G.
Mooney, J. J.
Muldoon, John
Murphy, John (Kerry, East)
Murphy, N. J. (Kilkenny, S.)
Nicholls, George
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien, Kendal (Tipperary Mid
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Connor, T. P. (Liverpool)
O'Doherty, Philip
O'Donnell, T. (Kerry, W.)
O'Grady, J.
O'Malley, William
O'Shee, James John
Parker, James (Halifax)
Pearce, Robert (Staffs., Leek)
Pearson, W. H. M. (Suffolk, Eye)
Power, Patrick Joseph
Price, C. E. (Edinb'gh, Central)
Radford, G. H.
Rainy, A. Rolland
Reddy, M.
Redmond, John E. (Waterford)
Redmond, William (Clare)
Richards, Thomas (W. Monm'th)
Richards, T. F. (Wolverh'mpt'n)
Rickett, J. Compton
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott (Bradf'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Rowlands, J.
Russell, T. W.
Samuel, S. M. (Whitechapel)
Scott, A. H. (Ashton-under-Lyne
Sheehan, Daniel Daniel
Sheehy, David
Silcock, Thomas Ball
Sloan, Thomas Henry
Smyth, Thomas F. (Leitrim, S.)
Stanley, Albert (Staffs., N.W.)
Stanley, Hn. A. Lyulph (Chesh.)
Strachey, Sir Edward
Summerbell, T.
Taylor, John W. (Durham)
Toulmin, George
Vivian, Henry
Walsh, Stephen
Ward, W. Dudley (Southampton
Waring, Walter
Waterlow, D. S.
White, J. D. (Dumbartonshire)
White, Patrick (Meath, North)
Whitehead, Rowland
Whitley, John Henry (Halifax)
Wilson, W. T. (Westhoughton)

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Barrie, H. T. (Londonderry, N.)
Beach, Hn. Michael Hugh Hicks
Bridgeman, W. Clive
Bull, Sir William James
Campbell, Rt. Hon. J. H. M.
Carlile, E. Hildred
Cavendish, Rt. Hon. Victor C. W.
Cecil, Lord John P. Joicey-
Chamberlain, Rt Hn. J. A. (Worc.
Courthope, G. Loyd
Craig, Charles Curtis (Antrim, S.)
Fetherstonhaugh, Godfrey
Forster, Henry William
Gibbs, G. A. (Bristol, West)
Gretton, John
Harris, Frederick Leverton
Hunt, Rowland
Long, Rt. Hn. Walter (Dublin, S.)
Staveley-Hill, Henry (Staff'sh)
Thomson, W. Mitchell- (Lanark)
Younger, George

TELLERS FOR THE NOES—Mr. Pike Pease and Marquess of Hamilton.

Lords Amendment—

“In page 2, lines 16 to 21, to leave out Subsection 4 of Clause 1”—the next Amendment. disagreed to.

Amendments made to the Bill instead of the last two Lords' Amendments disagreed to—

“In page 2, line 12, by leaving out the words the Estates Commissioners’ and inserting the words ‘any two of the Estates Commissioners and the Judicial Commissioner,’ instead thereof, and in page 2, line 19, by leaving out the word January’ and inserting the word ‘May,’ instead thereof, and in page 2, line 21, at the end, by inserting as a new subsection, ‘(5) No and shall be acquired compulsorily which is subject to an annuity for the repayment of at advance under the Land Purchase Acts.’”—(*Mr. Attorney-General for Ireland.*)

MR. BIRRELL said the next three Amendments were consequential arising out of the fact that the Lords substituted compensation for the word price. They were restoring the word.

Subsequent Lords Amendments to the Amendment in page 3, lines 22 to 27, leave out Subsection (6) of Clause 2, inclusive, disagreed to.

Amendment made to the Bill, instead of the last Lords Amendment disagreed to—

“In page 3, line 23, by leaving out from the word ‘withdrawn’ to the word ‘Commission’ in line 6, and inserting the words ‘the purchase money shall within the prescribed time be paid into the Bank of Ireland by the Land Commission and the Estates Commissioners shall,’”—(*Mr. Attorney-General for Ireland*)—instead thereof.

Lords Amendment—

“In page 3, line 29, after the word ‘withdrawn,’ to insert the words ‘the Estates Commissioners or any two of them shall hear and by order determine' "—the next Amendment, read a second time.

Motion made, and Question proposed, "That the House doth disagree with the Lords in the said Amendment."

MR. JAMES CAMPBELL said there was one point there to which he must direct the right hon. Gentleman's attention. The Amendment provided for an order. He thought the Lords Amendment should be allowed as it stood in so far as it provided that any determination of the Estates Commissioners should take the form of an order. Before the Bill was amended that point was put in a very vague way. The Lords Amendment did not affect the question of principle, but it improved on the facilities of the Bill. It provided that the order of the Estates Commissioners should be a record of what they did.

*MR. CHERRY said that the House had not heard the words of the clause which the Government proposed to insert, but they would see that they really did all that was necessary. The words ran—

> "Provided that any person aggrieved by any determination of the Estates Commissioners fixing the price of the land proposed to be acquired, or any determination of a question arising under the provisions of this Act imposing restrictions on the acquisition of land, may within the prescribed time, appeal to the Judicial Commissioner, who shall hear in the prescribed manner and determine the appeal. (8) The powers conferred upon the Land Commission by Section 48 of the Land Law (Ireland) Act, 1881, may be exercised by the Judicial Commissioner in the case of all proceedings coming before him in pursuance of the last preceding subsection. (9) Subject to the determination of all questions arising on the petition, the purchase money shall, within the prescribed time, be paid into the Bank of Ireland, and the vesting order shall be made, unless the Estates Commissioners, within the prescribed time, serve a notice on the person appearing to them to be the owner of the land that they do not intend to make the order."

That provided in simple language that the Estates Commissioners were to determine the price, and if a person from whom land was proposed to be taken was dissatisfied he could at once take an appeal to the Judicial Commissioner. If there was any question of law arising as regarded land which the Estates Commissioners were prohibited from taking under the sixth clause the Judicial Commissioner might allow a case to be taken to the Court of Appeal or might state a case for appeal exactly as was done under the Land Act of 1881. He had not only power to state a case, but he had power also to allow an appeal, to summon witnesses to be sworn, and to appoint a valuer.

Question put, and agreed to.

Lords Amendment—

> "In page 3, line 30, to leave out from the word 'thereon' to the end of the Subsection (7) and insert: '(8) (*a*) Any person aggrieved by any order of the Estates Commissioners made upon the hearing of any such petition as aforesaid may, within the time and in the manner prescribed by rules to be made as hereinafter provided, apply as he shall elect, either to the King's Bench Division of the High Court of Justice in Ireland, or to the Judges of Assize for the county in which the lands sought to be acquired, or the greater part thereof, are situated, to hear and determine any question of law or fact arising out of any such petition or order, including any question ofl aw or fact under Section 1, Subsection 3, and Section 6. Every such application shall be heard and determined by one of the Judges of Assize for the said county, or by one of the Judges of the King's Bench Division, to be selected by the said Judges according to a rota to be framed by them at the commencement of each sitting of the said High Court. Upon the hearing of every such application the Judge shall have power and authority to hear and determine all questions of law and fact that may arise, including the adequacy of the compensation awarded by the said order, and in particular the question whether, upon the facts and circumstances proved in evidence before him, the compulsory acquisition of the lands in the said petition or order mentioned was just and reasonable, and he may give judgment affirming, modifying, or reversing the said order of the Estates Commissioners, and may make such order as to the costs of and incidental to the said petition, and the hearing of the said application, as he may think fit; (*b*) Upon the hearing of every such application the said Judge shall have the jurisdiction, power, and authority possessed by a Judge of the High Court of Justice in Ireland when presiding at a trial at Nisi Prius, including the power to administer an oath, and compel the attendance of witnesses and the production of documents. He shall also have the power to direct that an independent valuer, to be nominated by him, should report to him his opinion upon any matter the Judge may think fit to refer to him, and he may make such order in reference to the costs of any such report as he may deem just; (*c*) In the determination of any question as to the adequacy of the compensation offered, the Judge shall have regard to the principles of the provisions of the Lands Clauses Consolidation Act, 1845, applicable to the compulsory purchase of land, and

for the purposes of the said application before the said Judge, the Estates Commissioners shall be deemed to be the promoters of the undertaking within the meaning of the said Act; (*d*) The Estates Commissioners shall be competent, but not compellable witnesses upon the hearing of every such application, and they shall furnish to the Judge hearing the same all such particulars and documents as shall by him be required, including a schedule in the form prescribed by Section 7 of the Act of 1903, together with a statement of the superior interests, if any, to which the lands sought to be acquired, or the estate of which they form a part, may be subject; (*e*) The inspectors and other officers of the Land Commission, other than the Land Commissioners themselves, shall be competent and compellable witnesses upon the hearing of every such application; (*f*) The said King's Bench Division and the Judges of Assize, respectively, may order that all applications pending before them in respect of the same petition or order as aforesaid may be consolidated, and heard together, and for the more convenient, speedy, or proper hearing of any such applications, may order that the hearing of the same may be transferred from the said Division to the Judges of Assize, or from the Judges of Assize to that Division, as the case may be, and the said application, when so transferred, shall be heard and determined as if it had originally been made to the tribunal to which it has been transferred; (*g*) The Judge before whom any such application is heard may, where he deems it expedient, reserve any question or matter arising upon such application, by way of case stated, for the consideration of His Majesty's Court of Appeal in Ireland; (*h*) All cases stated for the Court of Appeal shall be prosecuted, heard, and determined by such Court in such manner and form, and subject to such rules and regulations as the Court may from time to time by rules direct. The said Court of Appeal shall give such judgment as ought to have been given in the Court below by the Judge thereof, and such judgment shall be of the like effect as if it had been the judgment of the said Judge, or the said Court of Appeal may remit the case with such directions as they think fit to the Court below; (*i*) In the interval between the lodging of any such application to the Judges of Assize and the opening of the Assizes for the county in which such application is to be heard, the King's Bench Division of the High Court of Justice in Ireland shall, on the motion in the prescribed manner of the applicant, the Estates Commissioners, or any party interested, have jurisdiction, power, and authority to make any order of an interlocutory nature in the matter of the said application, as if the same were an action at law pending in the said division; (*j*) The provisions of Section 23 of the Act of 1903, shall apply to this Act so far as the same are not inconsistent with the provisions of the latter. Provided that a question of law which has been decided by a Judge of the High Court or of Assize, or by the Court of Appeal under the provisions of this Act shall not after the date of such decision, be referred for decision to the Judicial Commissioner nor while a question of law is awaiting decision in any application pending before such a Judge, shall the same question of law be referred for decision to the Judicial Commissioner, unless at the request of some person who is neither a party to nor interested in the matter of the said application; (*k*) The compensation to be paid to any owner of land in respect of the loss thereof shall for the purposes of the Land Purchase Acts be deemed to be the price to be paid for the purchase thereof; (*l*) Rules of Court regulating and prescribing the practice, procedure, and the costs of and incidental to the hearing of all proceedings under this section before the King's Bench Division, or any Judge thereof, or any Judge of Assize, may be made by the authority having power to make Rules of Court for the Supreme Court of Judicature in Ireland; (9) In addition to any compensation to be awarded to the owner under this section, the Estates Commissioners, or the Judges on Appeal, shall have power to award such sum as may appear reasonable in respect of any arrears of rent due by the tenant at the date of the eviction, or in respect of any money paid to the tenant in respect of his interest or goodwill in the lands; (10) If no petition has been presented within the prescribed period, or if every such petition has been withdrawn, or if all questions under all petitions have been determined in such a manner that the Estates Commissioners would be entitled under the order of the Judge of Assize, or of the King's Bench Division or of the Court of Appeal, as the case may be, to acquire the said lands, a binding agreement for the purchase of the lands shall be deemed to have been concluded between the Estates Commissioners and the owner thereof, and the Land Commission shall within six months pay the amount of the compensation into the Bank of Ireland, and the Estates Commissioners may make an order vesting the lands in the Land Commission' "—the next Amendment, read a second time.

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."—(*Mr. Birrell.*)

MR. JAMES CAMPBELL said that this was a provision inserted in another place for the protection of the new tenants. The question of appeal was, he thought, the most important matter in connection with the Bill. The consideration of the present Amendment had already been anticipated by a discussion with reference to the protection of the new tenants, but he would offer a few observations with regard to the general appeal provided in another place. The clauses that were inserted in the House of Lords, though numerous, were all necessary for the purpose of carrying out the jurisdiction of the tribunal which was proposed to be set up. They were practically taken verbatim from the Land Act of 1870, though in that

Act they were passed for the protection of the tenant and in this Act they were put in for the protection of the landlord. Though they appeared to be rather voluminous, he could assure the House that they were all necessary in order to give proper jurisdiction to the tribunal proposed to be set up. He could understand criticisms of the tribunal, but not criticism on the length of the Amendment, because the clauses were all consequent upon the establishment of the tribunal. The tribunal which the Chief Secretary had admitted was, he thought, very unfortunate, and he would much have preferred to see a Judge of the High Court of Justice in Ireland instead of a Judge of Assize. He thought that the possibilities of the passing of this Bill would have been greatly strengthened if the right hon. Gentleman had seen his way to accept the tribunal which was set up in these clauses. One would have imagined that when the people, whose rights were affected by this Bill, namely, the landowners and the new tenants, asked, through those who had knowledge of their wishes, for a particular tribunal, the Government, in giving them the right of appeal, would have given them the tribunal which they had asked for. The Chief Secretary said it would be too costly, but he would find that he was wrong in his expectations, and that the tribunal set up in another place would have been less costly and more expeditious than the proposal by the Government. If these appeals were not locally determined the expense would be very great, and they could be locally determined by the Judge of Assize at a very small cost indeed. If the number of sittings of the Judge of Assize, which was two a year, was not enough, there was the alternative of going to Judges of the King's Bench Division. The Chief Secretary had said that it would be necessary to appoint another Judge because Mr. Justice Wylie could not do any more work. Yet under this Bill he was not only going to make him a Judge of Appeal in regard to the cases of new tenants, but he was going to impose on him the appeals which could be brought by landowners in reference to questions of law and fact arising under Clause 6. He did not think it was fair of the hon. Member for North Louth to suggest that he had attacked Mr. Justice Wylie. The hon. Member knew perfectly well that the Judge in question had no greater friend in the House or out of it than himself, and he would be the last man that he would attack or say anything about. He took the trouble to say, and he thought he said it in the most specific way, that he had the utmost confidence in the ability, the intelligence, and the honour of Mr. Justice Wylie. But he also said that he thought it was a great pity for himself and for the successful administration of the legitimate work he had to do, that Mr. Justice Wylie should have this extra work thrown on him by the Government who admitted that he already had more work devolving on him than he could possibly do. The evicted tenant was not directly interested in the Court of Appeal, but only the new tenants and the landowners. He could not see therefore why the right hon. Gentleman had deliberately imperilled the safety of his Bill by setting up this alternative tribunal in spite of the protests of everybody really interested in its operation. The radical objection to the Appeal Court proposed to be set up by the alternative plan of the right hon. Gentleman was that it was an appeal to a Judicial Commissioner who was himself of equal *status* as regarded Land Commission work with the two or three gentlemen whose decisions he would be called upon to override.

MR. SWIFT MACNEILL (Donegal, S.): Is there not a rule against constant repetition? The right hon. Gentleman has been saying the same thing over and over again.

*MR. DEPUTY-SPEAKER (Mr. CALDWELL, Lancashire, Mid.): I think the hon. Member will see that this question of the Court of Appeal is a very important matter and is not being unduly discussed. Besides, I think that the right hon. Gentleman was just about to conclude when he was interrupted.

MR. JAMES CAMPBELL said he thought the House was well advised in spending some little time in discussing this matter. He was also bound to say that he had never heard of this proposal or of this clause until it was read out about twenty minutes ago by the right hon. Gentleman. It certainly appeared to him to be a very strong thing to suggest that twenty minutes was too long a time to devote to discussing the question of an alternative appelate tribunal.

MR. T. M. HEALY: Is the hon. Member entitled to discuss this matter on an Amendment not yet moved?

*MR. DEPUTY-SPEAKER (Mr. CALDWELL): Such discussion is sometimes taken, especially as, in this case, where the question is to disagree with the Lords Amendment with the view of inserting an alternative. It is usual to discuss both as practically one Amendment, the same as is done in the case of an Amendment to leave out certain words in order to insert other words.

MR. JAMES CAMPBELL said he could not understand the impatient interruption. It was very difficult at that hour of the morning to discuss even matters with which they were previously acquainted and for which they were prepared, and it was hardly fair or reasonable that Members should be subjected to a series of interruptions. The matter was very important and one which he was satisfied was, for good or for evil, destined to make or to mar the Bill. He only wished to mention his objection against a tribunal which, so far as he could see, would not be a shilling less costly than the tribunal proposed by the Lords, and in which business would not be a bit more expeditiously conducted, because no one could ask Mr. Justice Wylie to throw over all his other work. Moreover, he was surrounded and connected with the whole *entourage* of the Land Commission, and the landlords thought they ought to have a man with a different environment bringing his mind to bear upon these questions—a man unconnected with the Estates Commissioners or the associations surrounding the Commission. They thought the time had come when such matters as these questions of the valuation of land should be submitted to the test of appeal to another Court—just as in the land legislation hitherto passed in Ireland the tenants invariably got a chance of submitting their cases to a Court other than that which originally fixed the price. He knew everything he had said would be thrown away on the right hon. Gentleman, who had made up his mind to stick to his own Court. He greatly regretted that, because he would disappoint the legitimate claims of the landowners and the new tenants who were the persons really hit by the Bill.

MR. BIRRELL said he had a difficulty in regard to the question of the appeal on value because he was strongly of opinion there need not have been any appeal on value at all. He quite agreed that the concession he was making was to opinions which certainly had not overborne his own mind on the subject. He still thought the Estates Commissioners a perfectly competent tribunal to determine the question of how much was to be paid for the 80,000 acres of Irish land they might require to take for the purpose of reinstating the evicted tenants, and he felt a little on weak ground in regard to that. However, they had acceded to the view that there should be an appeal, and they hoped there would not be many appeals on this question of value. He did not think the Irish landlords had any ground for alarm. They themselves would admit that up to the present under the arrangements they had been able to make they had done very well. He did not think it was honest or fair to rely upon certain evidence given by one or two of the Estates Commissioners. Whether they were wise or foolish to do so, he would not say, but he supposed that at some time or other everybody had theories of rent. Their evidence showed that the Commissioners were anxious that the landlord should receive a fair and generous price for any land taken from him compulsorily. He (the Chief Secretary) felt that when they gave this appeal to Mr. Justice Wylie they made a distinct concession. As he said, he did not agree with any deep sense of conviction, but because he wished to secure the passage of the Bill. The right hon. Gentleman opposite said the new Judge would be an expensive luxury. He had said that he hoped on the question of value there would not be many appeals, and if there were he could not help thinking that Mr. Justice Wylie would take the opportunity of writing down particular rules and observations which the Estates Commissioners might bear in mind. With regard to other questions, appeals were not really likely to arise with great frequency. On such questions as demesne land or not demesne land, home farm or not home farm, townpark or not townpark, it was perhaps not unreasonable there should be an appeal. Though the Estates Commissioners were the last persons in the world to go and take demesne lands to reinstate evicted tenants, here and there differences might arise, and land might be taken which was within the exemptions—though the cases would never be many—and the Estates Commissioners would be alive to the fact that there was an appeal against them. The Government were convinced that the tribunal they had established was likely to be cheaper and quicker and better than the proposal of the Lords, and, reluctant as he was, he gave in to the best possible and the cheapest tribunal and one which ought to give satisfaction. This was really a comparatively small question as compared with the whole question of land purchase in Ireland. It was the acquisition of a very small number of acres, and he thought they had safeguarded the interests of the landlords so sufficiently that he really was quite hopeful that notwithstanding the forebodings and fears of hon. Gentlemen opposite, when the Bill found its way back to another place the landlords there—powerful as they were and considerably as their interests were involved—would recognise the fact that the Government had against its own judgment and better opinion conceded the right to an appeal on value.

MR. WALTER LONG said that in reference to what had fallen from the Chief Secretary about the Estates Commissioners he could assure the right hon. Gentleman, speaking for those who acted with him, that he was convinced there was no desire to express anything but the deepest respect for those gentlemen personally and from the point of view of their public character. But he did not think it was sufficiently recognised by the Government and by the House that they were placed by the law in a position of extraordinary difficulty, and that the pressure they had to resist was very frequently from the Government to carry out the work with which they were charged. To carry that work out efficiently and rapidly was a task of the utmost difficulty, and it was essential that they should be placed in a position in which they could attend fairly to the interests of both parties and at the same time assist in the development of the agriculture of Ireland which was necessary to turn uneconomic holdings into economic. When all these problems crowded upon them it was extremely difficult to approach the question of price with an absolutely open mind. The Opposition therefore thought that, actuated by no feeling of unfairness or injustice, the Commissioners might be overborne and might unintentionally be unfair towards owners on the question of price. He supported the Amendment. With regard to the evidence to which the Chief Secretary had referred, he thought personally that it was unfortunate that gentlemen occupying that particular position should be called upon to give evidence of that kind when it was known it would be the subject of controversy and criticism, which might be hard and even painful for those who were the subject of it. Looking at the whole problem of the value of land from the general point of view he was convinced that that evidence would not prejudice the Commissioner in the discharge of his duty. As he was associated with him when he was Chief Secretary for Ireland, he wished to say again what he had said before, that he had a very great respect for him.

MR. T. M. HEALY hoped the Chief Secretary would take notice of what had just been said about the position of extreme difficulty of these Gentlemen.

Question put.

The House divided:—Ayes, 141; Noes, 19. (Division List No. 452.)

AYES.

Abraham, William (Cork, N.E.)
Ainsworth, John Stirling
Ambrose, Robert
Baring, Godfrey (Isle of Wight)
Barnard, E. B.
Barry, E. (Cork, S.)
Barry, Redmond J. (Tyrone, N.)
Beaumont, Hon. Herbert
Birrell, Rt. Hon. Augustine
Boland, John
Bowerman, C. W.
Brace, William
Branch, James
Brodie, H. C.
Brunner, J. F. L. (Lancs., Leigh)

Burke, E. Haviland-
Burns, Rt. Hon. John
Byles, William Pollard
Carr-Gomm, H. W.
Cherry, Rt. Hon. R. R.
Churchill, Rt. Hon. Winston S.
Clancy, John Joseph
Clough, William
Condon, Thomas Joseph
Cooper, G. J.
Corbett, C. H (Sussex, E. Grinst'd
Cullinan, J.
Delany, William
Devlin, Joseph
Dickinson, W. H. (St. Pancras, N.
Donelan, Captain A.
Duffy, William J.
Duncan, C. (Barrow-in-Furness)
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Elibank, Master of
Essex, R. W.
Farrell, James Patrick
Fenwick, Charles
Ffrench, Peter
Field, William
Findlay, Alexander
Flavin, Michael Joseph
Fuller, John Michael F.
Gill, A. H.
Ginnell, L.
Goddard, Daniel Ford
Gulland, John W.
Gwynn, Stephen Lucius
Haplin, J.
Harmsworth, Cecil B. (Worc'r)
Haworth, Arthur A.
Hayden, John Patrick
Hazel, Dr. A. L.
Hazleton, Richard
Healy, Timothy Michael
Henderson, Arthur (Durham)
Henry, Charles S.
Higham, John Sharp

Hobhouse, Charles E. H.
Hogan, Michael
Illingworth, Percy H.
Johnson, John (Gateshead)
Jowett, F. W.
Joyce, Michael
Kekewich, Sir George
Kennedy, Vincent Paul
Kilbride, Denis
Lamont, Norman
Lardner, James Carrige Rushe
Lewis, John Herbert
Lough, Thomas
Lundon, W.
MacNeill, John Gordon Swift
MacVeagh, Jeremiah (Down, S.
MacVeigh, Charles (Donegal, E.)
M'Callum, John M.
M'Crae, George
M'Hugh, Patrick A.
M'Kean, John
M'Killop, W.
Maddison, Frederick
Manfield, Harry (Northants)
Markham, Arthur Basil
Meehan, Patrick A.
Montgomery, H. G.
Mooney, J. J.
Muldoon, John
Murphy, John (Kerry, East)
Murphy, N. J. (Kilkenny, S.)
Nicholls, George
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien, Kendal (Tipperary, Mid
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Connor, T. P. (Liverpool)
O'Doherty, Philip
O'Donnell, T. (Kerry, W.)
O'Malley, William
O'Shee, James John
Parker, James (Halifax)
Pearce, Robert (Staffs. Teck)

Power, Patrick Joseph
Price, C. E. (Edinburgh, Central
Radford, G. H.
Rainy, A. Rolland
Reddy, M.
Redmond, John E. (Waterford)
Redmond, William (Clare)
Richards, Thomas (W. Monm'th
Richards, T. F. (Wolverh'mpt'n
Rickett, J. Compton
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott (Bradf'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Rowlands, J.
Russell, T. W.
Samuel, S. M. (Whitechapel)
Scott, A. H. (Ashton-under-Lyne
Sheehan, Daniel Daniel
Sheehy, David
Silcock, Thomas Ball
Sloan, Thomas Henry
Smyth, Thomas F. (Leitrim, S.)
Stanley, Albert (Staffs., N.W.)
Stanley, Hn. A. Lyulph (Chesh.)
Strachey, Sir Edward
Summerbell, T.
Taylor, John W. (Durham)
Toulmin, George
Walsh, Stephen
Ward, W. Dudley (Southampton
Waring, Walter
Waterlow, D. S.
White, J. D. (Dumbartonshire)
White, Patrick (Meath, North)
Whitehead, Rowland
Whitley, John Henry (Halifax)
Wilson, W. T. (Westhoughton)

TELLERS FOR THE AYES.—Mr. Whiteley and J. A. Pease.

NOES.

Barrie, H. T. (Londonderry, N.)
Beach, Hn. Michael Hugh Hicks
Bull, Sir William James
Campbell, Rt. Hon. J. H. M.
Carlile, E. Hildred
Cavendish, Rt. Hon. Victor C. W.
Cecil, Lord John P. Joicey-
Chamberlain, Rt Hn J. A. (Worc.

Courthope, G. Loyd
Craig, Charles Curtis (Antrim, S.)
Fetherstonhaugh, Godfrey
Gibbs, G. A. (Bristol, West)
Gretton, John
Harris, Frederick Leverton
Hunt, Rowland
Long, Rt. Hn Walter (Dublin, S.)

Pease, Herbert Pike (Darlington)
Staveley-Hill, Henry (Staff'sh.)
Thomson, W. Mitchell-(Lanark)

TELLERS FOR THE NOES—Mr. Forster and Marquess of Hamilton.

Lords Amendment—

"In page 3, lines 35 to 38, leave out Sub-section (8) of Clause 2," the next Amendment, disagreed to.

Amendments made to the Bill instead of the last Lords Amendment disagreed to, in page 3, line 34, by leaving out from the word "shall," to the end of Clause 2, and inserting the words "subject to the provisions of this subsection, be final: Provided that any person aggrieved by any determination of the Estates Commissioners fixing the price of the land proposed to be acquired, or any determination of a question arising under the provisions of this Act imposing restrictions on the acquisition of land, may, within the prescribed time, appeal to the Judicial Commissioner, who shall hear in the prescribed manner and determine the appeal. (8) The powers conferred upon the Land Commission by Section 48 of the Land Law (Ireland) Act, 1881, may be exercised by the Judicial Commissioner in the case of all proceedings coming before him in pursuance of the last preceding subsection. (9) Subject to the determination of all questions arising on the petition, the purchase money shall, within the prescribed time, be paid into the Bank of Ireland, and the vesting order shall be made, unless the Estates

Commisssoners, within the prescribed time, serve a notice on the person appearing to them to be the owner of the land that they do not intend to make the order,"—(*Mr. Attorney-General for Ireland,*)—instead thereof.

Consequential Amendments made to the Bill—

"In page 5, line 6, by leaving out the word 'petitioner,' and inserting the word 'person,' instead thereof, and in page 5, line 8, by leaving out from the word 'petition,' to the word 'or,' in line 9, and inserting the words 'hearing or appeal under this Act,"—(*Mr. Attorney-General for Ireland*)—instead thereof.

Subsequent Lords Amendment to the Amendment in page 4, line 14, agreed to.

Lords Amendment—

"In page 4, line 14, after the word 'holding,' to insert the words 'and shall at the same time offer to such new tenant such sum as may be reasonably necessary to cover any expense or loss incidental to the removal of himself and his family as well as of his crops, stock, and chattels to such parcel of land'"—the next Amendment, read a second time, and amended in line 5, by inserting after "and." the word 'other," and agreed to.

Lords Amendment —

"In page 4, line 19, after the word 'holding,' to insert the words 'and for any expense or loss incidental to the removal of himself and his family, as well as of his crops, stock, and chattels from the said holding,'" read a second time.

MR. BIRRELL said he could not agree to that because he had no idea where the man might go to. He might remove his family and chattels to the Southern Cross.

Lords Amendment disagreed to

Lords Amendment—

"In page 4, line 22. after the word '1881,' to insert the words 'Provided that the Estate Commissioners may, if they think proper, and the new tenant so desires, award a sum as full compensation under this Subsection 3, without making an offer of a parcel of land under Subsection 2'"—read a second time.

MR. BIRRELL said he accepted the substance of this Amendment, but would like to amend it. Where the new tenant applied within the prescribed time, the Estates Commissioners might think it proper to offer compensation without offering to put him into possession of a parcel of land.

Lords Amendment disagreed to.

Amendment made to the Bill, instead of the last Lords Amendment disagreed to—

"In page 4, line 22, to insert the words, '(4) Where the new tenant applies within the prescribed time for compensation under the last preceding subsection, the Estates Commissioners may, if they think proper, award him such compensation without having offered to put him into possession of a parcel of land.'"—(*Mr. Birrell.*)

Consequential Amendment made to the Bill—

"In page 4, line 4, at the beginning to insert the words 'unless the new tenant has applied for compensation as hereinafter mentioned.'"—(*Mr. Birrell.*)

Lords Amendment—

"In page 5, line 5, at the beginning, to insert the words 'except as hereinbefore provided,'

The next Amendment disagreed to.

Lords Amendment—

"In page 5, line 13, to leave out Clause 5,"—read a second time.

MR. BIRRELL said he disagreed with this Amendment, and thought that Clause 5 should be restored. The real reason why he thought it was moved to leave out the clause in the other place was because it was felt that some limit ought to be placed upon the total paid out of the Land Purchase Aid Fund. The Government had decided that if the clause was withdrawn, they would add a proviso at the end of it, providing that the total amount paid out of the Land Purchase Aid Fund out of this section should not exceed £100,000.

Lords Amendment disagreed to.

Words so restored to the Bill amended by adding at the end thereof the words—

"Provided that the total amount paid out of the Land Purchase Aid Fund under this section shall not exceed £100,000.'"—(*Mr. Birrell.*)

Lords Amendment—

"In page 5, line 25, after the word 'which,' to insert the words 'is or,' and after the word 'farm,' to insert the word 'townpart,' and to leave out the word 'or,'—

The next Amendment, read a second time, amended by inserting after the word "townpart," the words "within the meaning of the Land Law (Ireland) Acts," and agreed to.—(*Mr. Attorney-General for Ireland.*)

Lords Amendment considered—

"In page 5, line 26, after the word 'ground,' to insert the words 'or ground suitable for building sites or which for any reason possesses an exceptional or accommodation value to the owner,'"—read a second time.

MR. CHERRY said he was bound to ask the House to disagree with these words. They were vague, and as inserted by the Lords they might very seriously hamper the operations of the Estates Commissioners. Ground suitable for building sites might be situated anywhere in the country, and "ground which for any reason possesses an exceptional or accommodation value" was very vague. In fact, it was almost impossible to determine what it was. If land was taken of this character, the landlord under the Bill was entitled to get a fair market value for it, and therefore he contended that the Amendment inserted by the Lords was quite unnecessary.

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."

MR. JAMES CAMPBELL said he did not think it necessary to put the House to the trouble of dividing on this Amendment, although he and his friends thought it was a very reasonable one. He could not for the life of him see how the right hon. Gentleman could have any difficulty in understanding what was accommodation land. They had had it discussed over and over again, and it was just as well known as was a demesne or town-part. The Estates Commissioners would have no difficulty at all in ascertaining what land bore an accommodation value. While the Opposition thought that the landowner who had this accommodation land had just as much right to be protected as a man who had a home farm or pleasure ground, they would not trouble to divide on the Amendment, but would content themselves with entering their protest.

Question put, and agreed to.

Lords' Amendment—

"In page 5, line 33, to leave out the words 'immediately adjoining and'"—read a second time.

MR. CHERRY said he must ask the House to disagree with this Amendment, which very largely extended the exemption of lands that were necessarily exempt.

Amendment disagreed to.

Lords' Amendment—

"After Clause 6 to insert new Clause B, 'alternative site.'

"'B.—The owner of any land proposed to be acquired under this Act may offer to sell any other land as an alternative, and the Estates Commissioners shall consider any such offer,'"—read a second time.

MR. BIRRELL said he did not think this Amendment was at all necessary, but at the same time he would not disagree with it.

Lords Amendment agreed to.

Lords Amendment—

"New clause, 'Saving of sporting rights.'

"'C.—Where any land is compulsorily acquired under this Act all sporting rights theretofore vested in the owner of the land shall, if he so desires, be expressly reserved to him'"—read a second time.

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."

MR. T. M. HEALY hoped the House would take notice of the fact that the Lords were so satisfied that the evicted tenants were well behaved that Lord Clanricarde would be glad to have shooting parties on their estate on the 1st September next.

Question put.

The House divided:—Ayes, 136; Noes, 19. (Division List No. 453.)

AYES.

Abraham, William (Cork, N.E.)
Ainsworth, John Stirling
Ambrose, Robert
Baring, Godfrey (Isle of Wight)
Barnard, E. B.
Barry, E. (Cork, S.)
Barry, Redmond J. (Tyrone, N.
Beaumont, Hon. Hubert
Birrell, Rt. Hon. Augustine
Boland, John
Bowerman, C. W.
Brace, William
Branch, James
Brodie, H. C.
Brunner, J. F. L. (Lancs., Leigh)
Burke, E. Haviland-
Burns, Rt. Hon. John
Byles, William Pollard
Carr-Gomm, H. W.
Cherry, Rt. Hon. R. R.
Churchill, Rt. Hon. Winston S.
Clancy, John Joseph
Clough, William
Condon, Thomas Joseph
Cooper, G. J.
Corbett, C H (Sussex, E. Grinst'd)
Cullinan, J.
Delany, William
Devlin, Joseph
Donelan, Captain A.
Duffy, William J.
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Elibank, Master of
Essex, R. W.
Farrell, James Patrick
Fenwick, Charles
Ffrench, Peter
Field, William
Findlay, Alexander
Flavin, Michael Joseph
Fuller, John Michael F.
Gill, A. H.
Ginnell, E.
Goddard, Daniel Ford
Gulland, John W.
Gwynn, Stephen Lucius
Halpin, J.
Harmsworth, Cecil B. (Worc'
Haworth, Arthur A.
Hayden, John Patrick
Hazel, Dr. A. E.
Hazleton, Richard

Healy, Timothy Michael
Henderson, Arthur (Durham)
Henry, Charles S.
Hobhouse, Charles E. H.
Hogan, Michael
Illingworth, Percy H.
Johnson, John (Gateshead)
Jowett, F. W.
Joyce, Michael
Kekewich, Sir George
Kennedy, Vincent Paul
Kilbride, Denis
Lamont, Norman
Lardner, James Carrige Rushe
Lewis, John Herbert
Lough, Thomas
Lundon, W.
MacNeill, John Gordon Swift
MacVeagh, Jeremiah (Down, S.)
MacVeigh, Charles (Donegal, E.)
M'Callum, John M.
M'Crae, George
M'Hugh, Patrick A.
M'Killop, W.
Maddison, Frederick
Manfield, Harry (Northants)
Markham, Arthur Basil
Meehan, Patrick A.
Montgomery, H. G.
Mooney, J. J.
Muldoon, John
Murphy, John (Kerry, East)
Murphy, N. J. (Kilkenny, S.)
Nicholls, George
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien, Kendal (Tipperary, Md.
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Connor, T. P. (Liverpool)
O'Doherty, Philip
O'Donnell, T. (Kerry, W.)
O'Malley, William
O'Shee, James John
Parker, James (Halifax)
Pearce, Robert (Staffs. Leek)
Power, Patrick Joseph
Price, C. E. (Edinb'gh, Central
Radford, G. H.
Rainy, A. Rolland
Reddy, M.
Redmond, John E. (Waterford
Redmond, William (Clare)
Richards, Thomas (W.Monm'th
Richards, T. F. (Wolverh'mpt'n
Rickett, J. Compton
Robertson, Sir G. Scott (Bradf'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Rowlands, J.
Russell, T. W.
Scott, A. H. (Ashton under Lyne
Sheehan, Daniel Daniel
Sheehy, Daniel
Silcock, Thomas Ball
Sloan, Thomas Henry
Smyth, Thomas F. (Leitrim, S.)
Stanley, Albert (Staffs., N.W.)
Stanley, Hn. A. Lyulph (Chesh.
Strachey, Sir Edward
Summerbell, T.
Taylor, John W. (Durham)
Toulmin, George
Walsh, Stephen
Ward, W. Dudley (Southampt'n
Waring, Walter
Waterlow, D. S.
White, J. D. (Dumbartonshire)
White, Patrick (Meath, North)
Whitehead, Rowland
Whitley, John Henry (Halifax)
Wilson, W. T. (Westhoughton)

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Beach, Hn. Michael Hugh Hicks
Bull, Sir William James
Campbell, Rt. Hon. J. H. M.
Carlile, E. Hildred
Cavendish, Rt. Hn. Victor C. W.
Cecil, Lord John P. Joicey-
Chamberlain, Rt Hn. J. A. (Worc.
Courthope, G. Loyd
Fetherstonhaugh, Godfrey
Forster, Henry William
Gibbs, G. A. (Bristol, West)
Gretton, John
Hamilton, Marquess of
Harris, Frederick Leverton
Hunt, Rowland
Long, Rt. Hn. Walter (Dublin, S.
Pease, Herbert Pike (Darlington
Staveley-Hill, Henry (Staff'sh.
Thomson, W. Mitchell-(Lanark

TELLERS FOR THE NOES—Mr. Hugh Barrie and Mr. Charles Craig.

Subsequent Lords' Amendments to the Amendment in page 6, line 24, agreed to.

Lords' Amendment—

"In page 6, line 24, to leave out the word 'may' and insert the words 'after having been offered to the person from whom it was acquired may if the offer is not accepted by him within the prescribed time'"—read a second time.

MR. BIRRELL said this was a provision to enable surplus lands in cases of resale to be resold to the person from whom they were bought in the first instance. If he did not wish to buy they could be sold elsewhere, but he had a right of pre-emption.

Lords Amendment agreed to.

Lords Amendment—

"In page 6, line 39, to leave out Clause 13"—read a second time.

MR. BIRRELL moved, "That this House doth disagree with the Lords in the said Amendment." He said that the Lords had acted unadvisedly in admitting the clause. The Government were still of the opinion that the position of the Estates Commissioners was peculiar. He did not himself greatly admire what was now becoming a necessity of some of their legislation, and that was a mixture of the executive and the judicial. It was much better that these things should be kept apart. The Commissioners were in this position. *Quoad* executive capacity they were necessarily under the control of the House. It was not suggested for a moment that the Commissioners should be removed from the criticism of the House. All the salaries of two of them would remain on the Votes. One of them was already an official at the time of the Act of 1903 and occupied a different position. In order to make him subject to criticism his salary was increased by £500. He did not offer any opposition, and he too was now subject to criticism. The Government did not propose to alter this position. It was a difficult matter for anybody in Ireland to hold such office. The Commissioners had to stand a good deal of criticism. That was all very well so long as it was merely criticism, but when it took the form of, he would not say a threat but of a suggestion that the person who acted in a particular way might find himself dismissed from his office when another party came into power, they had a very disagreeable situation. What was the present position of these gentlemen? Two were removable by the Lord-Lieutenant through an Order in Council which must lie on the Table of Parliament. An Address must then be presented to His Majesty. The initiative rested with the Lord-Lieutenant. The position of the third Commissioner he would not go into. It was somewhat doubtful exactly what it was, but there seemed to be a difference between it and that of the others. The Government desired to put all three on terms of equality. Their proposal was that they should hold office by the tenure of a County Court Judge. Their salaries would still be paid by this House, which would leave their action open to discussion, but, like County Court Judges, they would only be removable by an Address on account of misbehaviour. No doubt a recent letter was merely the expression of an angry man in a fit of temper, who had no serious intention of acting in any improper manner when his party became responsible, and there was a great difference between what a man might say when he was angry and his words when he was invested with office and felt it his bounden duty to behave as Christianity and religion dictated he should do. The Commissioners were entitled to be saved such things and to have the satisfaction of feeling that they were entrusted with important duties and that although as executive officers they were subject to some extent to Parliament and the Minister in charge, so far as judicial business was concerned they had the tenure of Judges. There must have been some misunderstanding or misapprehension when another place struck out that clause.

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."—(*Mr. Birrell.*)

MR. WALTER LONG said it had always been a puzzle why this particular clause found its way into a Bill dealing with evicted tenants. Now they had learned from the Chief Secretary the reason of this proposal to give the Commissioners a new *status*. The reason was a letter of which they had heard mention more than once—a letter written by the Member for North Armagh in which he made some indiscreet remarks on one of these Estates Commissioners. He was bound to say it was a new idea that because one indiscreet letter was written or one hasty word said, therefore they were suddenly to discover it was necessary to put the people to whom the letter or the language was addressed on quite a new footing. The Chief Secretary had told them that the position of the third Commissioner was one of some doubt, but that he held on a different tenure from that of the two others. He had never been able to the see why the Estates Commissioners should be on better terms of service than other civil servants. They already were on better terms, and now it was proposed to put them on the same terms as County Court Judges. At the time the change in the law was made Mr. Wrench was under a certain tenure and would not have changed his position if he were not given security of tenure, but the case of the other Commissioners was different. He could not understand the attitude of the Government. They seemed to want to make these officials absolutely independent of the Executive Government. The change was not justified by the facts. He would record his vote against a change which he believed to be undesirable.

MR. JOHN REDMOND said there was nothing inconsistent in his speeches, but hon. Gentlemen above the gangway were strangely inconsistent. When the Bill was in Committee their object was to secure protection for the Estates Commissioners against pressure being brought to bear on them. When it was proposed to protect them from pressure they objected to it. There were three Commissioners, two who were supposed to be friendly to the tenants, and one who was supposed to be friendly to the landlords. The one friendly to the landlords was secure in his tenure, the other two were not. They wanted to make those two secure.

Mr. CHARLES CRAIG said that when the Act of 1903 was before the House the hon. and learned Member for Waterford and his friends insisted on those two gentlemen being kept in the position they now held.

Mr. JOHN REDMOND said that was not so. He insisted on their being kept in a position where they could be criticised.

Mr. JAMES CAMPBELL said what the hon. and learned Gentleman said in 1903 was that these gentlemen were to be officials not judges.

Mr. JOHN REDMOND said he only meant that in the sense that they ought to be at liberty to criticise them.

Mr. JAMES CAMPBELL said he did not think the hon. and learned Gentleman had been as candid as he usually was in dealing with the position of Mr. Wrench. The reason Mr. Wrench's position was different was that, at the time he took office, Mr. Wrench was an Irish Land Commissioner with security of tenure. The other two gentlemen were not, and were quite satisfied with the tenure given to them. He was opposed to the proposition, because he was convinced that they would never have heard of that Evicted Tenants Bill if it had not been for that clause.

Mr. BIRRELL said if he believed that, he would believe anything.

Mr. JAMES CAMPBELL said he quite expected the astonishment the right hon. Gentleman had expressed. Still that was his conviction. He was also opposed to the proposal, because it had been received with such extreme *éclat* by hon. Gentlemen below the gangway, who usually covered judicial persons in Ireland with abuse, contempt, and ridicule.

Mr. T. M. HEALY thought the House should understand what the late Chief Secretary and the late Attorney-General for Ireland objected to. A County Court Judge could not deal with cases of more than £50, the Estates Commissioners dealt with £110,000,000. The House of Lords, who received that money, objected to giving the Commissioners the same tenure as County Court Judges. They had to remember what had happened since 1903. The hon. Member for North Armagh had written a letter—he would never get out of it—the hon. Member who was continually attacking the Irish people in connection with threatening letters had himself attempted intimidation.

*Mr. DEPUTY-SPEAKER (Mr. Caldwell) said they were nearing the end now, and he hoped the hon. and learned Gentleman would not go back unduly upon a matter which had already been sufficiently before the House.

Mr. T. M. HEALY said the question they were discussing was whether the same tenure was to be given to the two Estates Commissioners as to the other Commissioner. It was very necessary that it should be, when the hon. Member for North Armagh sent them threatening letters, an offence for which miserable peasants were sent to gaol.

Question put.

The House divided :—Ayes, 139 ; Noes, 19. (Division List No. 454.)

AYES.

Abraham, William (Cork, N.E.
Ainsworth, John Stirling
Ambrose, Robert
Baring, Godfrey (Isle of Wight)
Barnard, E. B.
Barry, E. (Cork, S.)
Barry, Redmond J. (Tyrone, N.)
Beaumont, Hon. Hubert
Benn, W. (T'w'r Hamlets, S.Geo.
Birrell, Rt. Hon. Augustine
Boland, John
Bowerman, C. W.
Brace, William
Branch, James
Brodie, H. C.
Brunner, J. F. L. (Lancs., Leigh)
Burke, E. Haviland-
Burns, Rt. Hon. John
Byles, William Pollard
Carr-Gomm, H. W.
Cherry, Rt. Hon. R. R.
Churchill, Rt. Hon. Winston S.
Clancy, John Joseph
Clough, William
Condon, Thomas Joseph
Cooper, G. J.
Corbett, C. H (Sussex, E Grinst'd
Cullinan, J.
Delany, William
Devlin, Joseph
Donelan, Captain A.
Duffy, William J.
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Elibank, Master of
Essex, R, W.
Farrell, James Patrick
Fenwick, Charles
Ffrench, Peter
Field, William
Findlay, Alexander
Flavin, Michael Joseph
Fuller, John Michael F.
Gill, A. H.

Ginnell, P.
Goddard, Daniel Ford
Gulland, John W.
Gwynn, Stephen Lucius
Halpin, J.
Harmsworth, Cecil B. (Worc'r)
Haworth, Arthur A.
Hayden, John Patrick
Hazel, Dr. A. E.
Hazleton, Richard
Healy, Timothy Michael
Henderson, Arthur (Durham)
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Hogan, Michael
Illingworth, Percy H.
Johnson, John (Gateshead)
Jowett, F. W.
Joyce, Michael
Kekewich, Sir George
Kennedy, Vincent Paul
Kilbride, Denis
Lamont, Norman
Lardner, James Carrige Rushe
Lewis, John Herbert
Lough, Thomas
Lundon, W.
MacNeill, John Gordon Swift
MacVeagh, Jeremiah (Down, S.
MacVeigh, Charles (Donegal, E.
M'Callum, John M.
M'Crae, George
M'Hugh, Patrick A.
M'Killop, W.
Maddison, Frederick
Manfield, Harry (Northants)
Markham, Arthur Basil
Meehan, Patrick A.
Montgomery, H. G.
Mooney, J. J.
Muldoon, John
Murphy, John (Kerry, East)
Murphy, N. J. (Kilkenny, S.)
Nicholls, George
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien, Kendal (Tipperary, Mid
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Connor, T. P. (Liverpool)
O'Doherty, Philip
O'Donnell, T. (Kerry, W.)
O'Grady, J.
O'Malley, William
O'Shee, James John
Parker, James (Halifax)
Pearce, Robert (Staffs. Leek)
Power, Patrick Joseph
Price, C.E. (Edinburgh, Central
Radford, G. H.
Rainy, A. Rolland
Reddy, M.
Redmond, John E. (Waterford
Redmond, William (Clare)
Richards, Thomas (W. Monm'th
Richards, T.F. (Wolverh'mpt'n
Rickett, J. Compton
Robertson, Sir G. Scott (Bradf'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Rowlands, J.
Russell, T. W.
Scott, A.H. (Ashton under Lyne
Sheehan, Daniel Daniel
Sheehy, David
Silcock, Thomas Ball
Sloan, Thomas Henry
Smyth, Thomas F. (Leitrim, S.)
Stanley, Albert (Staffs., N.W.)
Stanley, Hn. A. Lyulph (Chesh.)
Strachey, Sir Edward
Summerbell, T.
Taylor, John W. (Durham)
Toulmin, George
Walsh, Stephen
Ward, W. Dudley (Southampton
Waring, Walter
Waterlow, D. S.
White, J. D. (Dumbartonshire)
White, Patrick (Meath, North)
Whitehead, Rowland
Whitley, John Henry (Halifax)
Wilson, W. T. (Westhoughton)

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Barrie, H.T. (Londonderry, N.)
Beach, Hn. Michael Hugh Hicks
Bull, Sir William James
Campbell, Rt. Hon. J. H. M.
Carlile, E. Hildred
Cavendish, Rt. Hon. Victor C. W.
Cecil, Lord John P. Joicey-
Chamberlain, Rt. Hn J. A. (Worc.
Courthope, G. Loyd
Craig, Charles Curtis (Antrim, S.
Fetherstonhaugh, Godfrey
Gibbs, G. A. (Bristol, West)
Gretton, John
Harris, Frederick Leverton
Hunt, Rowland
Long, Rt. Hn. Walter (Dublin, S.
Pease, Herbert Pike (Darlington
Staveley-Hill, Henry (Staff'sh)
Thomson, W Mitchell-(Lanark)

TELLERS FOR THE NOES—Mr. Forster and Marquess of Hamilton.

Lords' Amendment—

"After Clause 15 to insert new Clause D, 'Duration of Act.'"

"D.—The provisions of this Act conferring powers for the acquisition of land and for the determination of tenancies shall continue in force for three years after the passing of this Act."—read a second time.

MR. CHERRY said he moved to accept this clause, but he would substitute for the word "three" the word "four." He would also add words that would enable any matters coming before the Court of Appeal or the Judicial Commissioner which were still pending at the end of four years to be determined, but would not enable any new matters to be determined. It was quite possible, as the House would see, that there might be a good many matters which would occupy the attention of the Court of Appeal for a long time and in regard to which a final decision could not be given until after the four years had expired.

He proposed at the end of the new Clause D to insert the words "and as regards any matters then pending before the Court of Appeal or the Judicial Commissioner until such matters are finally determined."

Lords' Amendment, amended as proposed, and agreed to.

Remaining Lords Amendments agreed to.

Committee appointed to draw up reasons for disagreeing to certain of the Amendments made by the Lords to the Bill.

Committee nominated of—Mr. Attorney-General for Ireland, Mr. Birrell, Mr.

Clancy, Mr. Muldoon, Mr. John Redmond, and Mr. Russell.

Three to be the quorum.

The Committee to withdraw immediately.—(*Mr. Birrell.*)

TRANSVAAL LOAN (GUARANTEE) BILL.

Considered in Committee.

MR. AUSTEN CHAMBERLAIN said that, as the right hon. Gentleman the Under-Secretary for the Colonies knew, they had agreed on the Front Opposition Bench that they would not on the Committee stage of the Bill discuss questions of principle which had been raised on the Second Reading. He wanted, however, to ask the right hon. Gentleman one question which they could not touch on during the Second Reading debate. It was a small point of detail, but of some importance. In the White Paper on the Finances of the Transvaal, which was circulated preliminary to their discussions on this Bill, there was included a telegram from the Governor to the Secretary of State dated 17th June, which concluded with this sentence—

> "To avoid having large balances lying idle, Ministers propose to adopt the suggestion made by the Prime Minister in London that such moneys as may be required for loan service before issue of the loan should be advanced by Imperial Treasury."

He presumed the Prime Minister mentioned there was the Prime Minister of the Transvaal, and not of this country. He did not know that any reference to that suggestion was made in any subsequent telegram included in the White Paper, nor did he see any provision made in the Bill to carry out the suggestion. What he wanted to know was whether the Government intended to carry it out, and, if so, what were the words in the Bill which would enable them to do so.

MR. CHURCHILL said he was very glad it was not the intention of the Opposition to renew on this stage of the Bill the serious and far-reaching discussion of principles which occupied the greater part of the previous day. With regard to the point now raised, the telegram which appeared on page 5 of the White Paper was of course only the view and opinions of the Transvaal Government. The reference to the Prime Minister meant of course General Botha when he was in London. The representatives of His Majesty's Government discussed matters with General Botha in London and they knew that the Transvaal would not require all the money at once, but would require it in certain sums from time to time. Therefore, it was thought that short date Treasury Bills might be advanced. What was intended was that they should be Transvaal Treasury bonds, but power would be taken in the Bill to enable the Government to extend the guarantees to such bonds when they should be issued by the Transvaal. The decision would be as it appeared in the Bill and not in the paragraph to which the right hon. Gentleman had properly drawn attention.

Bill reported, without Amendment; to be read the third time to-morrow (Wednesday).

PUBLIC WORKS LOAN (REMISSION, ETC.).

Resolution reported, "That it is expedient to authorise the extension of the period for the repayment of certain Loans made by the Commissioners of Public Works in Ireland, and to authorise the remission of a debt due to the Public Works Loan Commissioners from the Cullen Harbour Commissioners, in pursuance of any Act of the present session, to grant money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans."

Resolution agreed to.

EVICTED TENANTS (IRELAND) BILL.

Reasons for disagreeing to certain of the Lords' Amendments reported, and agreed to.

To be communicated to the Lords.—(*Mr. Birrell.*)

ADJOURNMENT.

Motion made, and Question, "That this House do now adjourn."—(*Mr. Whiteley*)—put, and agreed to.

Adjourned accordingly at a Quarter before Eight o'clock, a.m.

HOUSE OF LORDS.

Wednesday, 21*st August*, 1907.

An Asterisk (*) at the commencement of a Speech indicates revision by the Member.

VISCOUNT GORT.

Report made from the Lord Chancellor that the right of John Standish Surtees Prendergast, Viscount Gort in the Peerage of Ireland, to vote at the elections of Representative Peers for Ireland has been established to the satisfaction of the Lord Chancellor; read, and ordered to lie on the Table.

SMALL LANDHOLDERS (SCOTLAND) BILL.

*The Marquess of LANSDOWNE: My Lords, I beg to ask the noble Marquess who leads the House a question of which I have given him private notice. It has reference to the further proceedings of this House in regard to the Small Landholders (Scotland) Bill. Your Lordships will recollect that on the 14th instant an Amendment to the Second Reading of that Bill was moved by my noble friend Lord Balfour of Burleigh, and after that Amendment had been for some time under discussion, the House accepted by a large majority a Motion for the adjournment of the debate. The Question I wish to ask is whether the noble Marquess is able to offer to us any suggestion as to the moment at which the debate might conveniently be resumed.

*The LORD PRIVY SEAL (The Marquess of Ripon): My Lords, I should like to recall to your Lordships' recollection a little more than my noble friend has done the position in which this matter stood when the debate was adjourned. As my noble friend has said, Lord Balfour of Burleigh moved an Amendment to the Second Reading of the Bill. The effect of that Amendment, if it should be carried, would be the destruction of the Bill. The debate occupied one night and was then adjourned and taken up on the following day. Late in the following day, about the time when we might naturally have expected that the Leader of the Opposition would rise to conclude the debate on his side, my noble friend opposite rose and made a speech strongly criticising the Bill, just the sort of speech we should have expected he would make, and then he moved the adjournment. But before the noble Marquess rose the noble Earl opposite, Lord Cawdor, made some remarks upon the Bill, and towards the end of his speech he suggested to Lord Balfour of Burleigh that he should withdraw his Amendment and that the Bill should be read a second time. He then went on to say that what the noble Lords opposite proposed was to apply to the Lowlands of Scotland the provisions of the English Land Bill as they might be ultimately determined in this House, and then by some process to create a new Crofters Bill out of the Small Landholders (Scotland) Bill, and to pass that with a view to dealing with purely crofter districts, probably somewhat extended. The result, of course, of the suggestions of the noble Earl would have been to make one, or, it might be, two new Bills out of the Small Landholders Bill, and it appeared to me to be a very remarkable proposal. I understood from my noble friend who has just sat down that it was for the purpose of taking that course that he suggested the adjournment of the debate on the Second Reading. Well, my Lords, I felt bound to take strong objection and to enter a strong protest against what my noble friend proposed. I described it as unprecedented and intolerable, and to that description I adhere. The practice of Parliament is not a written law; it depends very greatly upon precedent. There are the Standing Orders, which stand in the place of statutes in regard to the general law, and the understood precedents of Parliamentary proceedings, which stand in the place of those constitutional doctrines by which we are all guided although they are not written; and it appeared to me that there was no precedent whatever for the course my noble friend took. My noble friend did not get up and move the adjournment of the debate and then sit down and take a division upon it, but he made his speech and at the end moved the adjournment of the debate *sine die*.

My Parliamentary memory is a rather long one, but I could not recollect any precedent for that course. I have since looked into the matter and consulted those who are good judges on such questions, and I still adhere to my opinion that the course taken by noble friend was without precedent. I understood that my noble friend Lord Lansdowne desired to take that course in order to end by carrying out in respect to this Bill the proposals of Lord Cawdor; and the object, as I understood it, was that the Bill should be taken out of the hands of His Majesty's Government and made into one or two new Bills altogether different from the measure which we were discussing the other night. Against that proceeding, as representing his Majesty's Government, I still continue to protest. I think, my Lords, that it would be altogether inconsistent with the dignity of this or any other Government if it were to accept the view that the Opposition might, whenever it chose, use the cover of a Government Bill for the purpose of inserting within its sheets an entirely different set of provisions. I venture to think that that is not a course which it would be possible to induce the other House of Parliament in any circumstances to accept, and it certainly is not a course which it would be possible for the King's Government to accept here. Therefore, before answering the question of my noble friend, I must, in accordance with the common practice in Scotland, ask another. I beg to ask my noble friend what it is that he proposes to do with this Bill if it is again put down. If my noble friend will be good enough to tell me what his proposals on that point are, I shall then be able to answer his question.

*THE MARQUESS OF LANSDOWNE: My Lords, I am quite ready to reply to the very reasonable question which my noble friend has put to me. The reason I moved the adjournment of the debate was a perfectly simple one. We desired to have before us the whole of the policy of His Majesty's Government with regard to small holdings before dealing with the particular suggestions contained in the Scottish Small Landholders Bill. We have now read the English Bill a second time without a division; we shall deal with it to-night and to-morrow in Committee; and therefore, in our opinion, by Friday next we should be fully in a position to consider the contents of the Scottish Bill. Then the noble Marquess asks me how, in our view, the Bill should be treated when its consideration is resumed by the House. Our policy remains that which was explained to the House last week by my noble friend Lord Cawdor and by myself. We still are quite unprepared to retain those provisions of the Bill which would have the effect of creating a Land Court on the Irish model in Scotland. In the next place, we desire to preserve, perhaps with some slight changes, those clauses in the Bill which effect Amendments of the Scottish Crofters Acts. I think it quite likely that we may add one or two further suggestions of our own upon that point. In the next place, we think that provisions corresponding closely with the provisions of the English Small Holdings Bill might conveniently be applied to Scotland. That, my Lords, was the policy which we sketched the other day. That is our policy still. Then the noble Marquess asks me how we would proceed to give effect to that policy. My reply is that we should be prepared to give a Second Reading to the Bill, but with the openly avowed intention of amending it in the manner I have just described.

Only one word more, for I have, perhaps exceeded the limits which were proper upon an occasion of this sort. The noble Marquess complains of our action as being of an unprecedented character. May I, with great deference, suggest to him that he will find it extremely difficult to discover a precedent for the manner in which a number of measures of great complication and of much importance have been hurled at the head of this House in the last days of the session, and I think he will also find it somewhat difficult to discover another case in which one and the same Government in one and the same session has presented to Parliament no less than three land Bills, each of them constructed on wholly different principles.

THE MARQUESS OF RIPON: My Lords, what has fallen from my noble friend now is of a much less drastic description than that suggested by Lord Cawdor, as I understand him. I now understand that noble Lords opposite are prepared to deal with the Bill pretty much in the manner in which they discussed the Evicted Tenants Bill. They are prepared fairly to consider it and to propose Amendments in Committee, but not to substitute, as I understood they intended to do, an entirely new Bill, or new Bills, for this Bill. I do not wish in the least to stand in the way of the passage of this

Scottish Bill, which I believe to be a useful Bill much desired by the Scottish people. I know some noble Lords will not agree with me, but I cannot help that and I am used to it. But I should like to have some understanding on this point. The Bill has been discussed for two nights on Second Reading. There is also the Amendment of Lord Balfour of Burleigh, a perfectly intelligible and straightforward Amendment, objecting to the Bill and which, if it were carried, would destroy the Bill. I have no objection, after the explanation which we have received, to put the Bill down for Friday next, or even earlier, if, in order not to waste time at this period of the session, you will agree that the Bill should be read at once, with a division if you like, but that the vote should be taken without further discussion. I have not yet spoken on the Blll, but I am quite ready to waive my right and to let the Second Reading be taken at once. In that case it could be put down for to-morrow or Friday, and we could enter without delay on the Committee stage.

*THE MARQUESS OF LANSDOWNE: I have no authority to bind my noble friends to complete silence when the debate on the Second Reading is resumed, but I think I may take it upon myself to say that, if the course which has just been discussed should be adopted, there is certainly not likely to be a prolonged Second Reading debate on that occasion.

BUSINESS OF THE HOUSE.

THE EARL OF MAYO: I should like to ask the noble Marquess the Leader of the House when we are to consider the Commons Amendments to the Lords Amendments to the Evicted Tenants (Ireland) Bill.

THE DUKE OF NORTHUMBERLAND: I understand that the Committee stage of the Deceased Wife's Sister Bill has been put down for Friday. If the Scottish Land Bill is to be taken on Friday I should like to know which Bill will come first. There are several Amendments on the Paper to the Deceased Wife's Sister Bill.

THE MARQUESS OF RIPON: I feel considerable difficulty in putting down the Evicted Tenants Bill for Friday owing to the other business on the Paper for that day. I should think the best course would be to set down the consideration of the Commons Amendments to the Lords Amendments to the Evicted Tenants Bill for to-morrow, when a time for their consideration can be appointed.

PRIVATE BILL BUSINESS.

York (Micklegate) Strays Bill [H.L.].—Returned from the Commons agreed to, with Amendments. The said Amendments considered and agreed to.

Local Government Provisional Orders (No. 1) Bill; Local Government Provisional Orders (No. 2) Bill. House in Committee (according to Order). The Amendments proposed by the Committee made. Standing Committee negatived. Then (Standing Order No. XXXIX having been suspended). Amendments reported. Bill read 3ª, and passed, and returned to the Commons.

Local Government Provisional Orders (No. 3) Bill. House in Committee (according to Order). Bill reported without Amendment. Standing Committee negatived. Then (Standing Order No. XXXIX having been suspended). Bill read 3ª, and passed.

Local Government Provisional Orders (No. 4) Bill; Local Government Provisional Orders (No. 5) Bill. House in Committee (according to Order). The Amendments proposed by the Committee made. Standing Committee negatived. Then (Standing Order XXXIX having been suspended). Amendments reported. Bill read 3ª, and passed, and returned to the Commons.

Local Government Provisional Orders (No. 6) Bill. House in Committee (according to Order). Bill reported without Amendment. Standing Committee negatived. Then (Standing Order No. XXXIX having been suspended). Bill read 3ª, and passed.

Local Government Provisional Order (No. 7) Bill. House in Committee (according to Order). The Amendments proposed by the Committee made. Standing Committee negatived. Then (Standing Order No. XXXIX having been suspended). Amendments reported. Bill read 3ª, and passed, and returned to the Commons.

Local Government Provisional Orders (No. 9) Bill.—House in Committee (according to Order): The Amendments proposed by the Committees made: Standing Committee negatived: Then (Standing Order No. XXXIX. having been suspended): Amendment reported: Bill read 3ª, and passed and returned to the Commons.

Local Government Provisional Orders (No. 10) Bill.—House in Committee (according to Order): The Amendments proposed by the Committees made: Standing Committee negatived: Then (Standing Order No. XXXIX. having been suspended): Amendments reported: Bill read 3ª, and passed, and returned to the Commons.

Local Government Provisional Orders (No. 11) Bill; Local Government Provisional Orders (No. 12) Bill.—House in Committee (according to Order): The Amendments proposed by the Committee made: Standing Committee negatived: Then (Standing Order No. XXXIX. having been suspended): Amendment reported: Bill read 3ª, and passed, and returned to the Commons.

Local Government Provisional Orders (No. 13) Bill. House in Committee (according to Order.) Bill reported without Amendment. Standing Committee negatived. Then (Standing Order No. XXXIX. having been suspended). Bill read 3ª, and passed.

Local Government Provisional Orders (No. 14) Bill; Local Government Provisional Order (No. 15) Bill. House in Committee (according to Order.) The Amendment proposed by the Committee made. Standing Committee negatived. Then (Standing Order No. XXXIX. having been suspended) Amendments reported. Bill read 3ª, and passed, and returned to the Commons.

Caledonian Railway Order Confirma-Bill; Kilmarnock Corporation Water Order Confirmation Bill. Read 3ª (according to Order), and passed.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 8.) BILL.

House in Committee (according to Order.)

LORD AVEBURY moved an Amendment which he explained was word for word taken from the unanimous Report of the Joint Committee of the two Houses presided over by Lord Crewe in 1903. The first recommendation was contained in the old Health Act but did not seem to be generally known, and it would, he thought, be convenient to repeat it. As regarded the other points, since his Amendment was placed on the Paper the Report of the Departmental Committee on the Local Government Board of Municipal Amendments had been published, and he was glad to see that all the points were recommended by the Departmental Committee. He understood that the Report was now under the consideration of the Board, and in these circumstances, if the noble Lord who represented the Department wished it, he would not press the matter for the moment, but would content himself with expressing a hope that the Board would adopt the recommendations of the Committee. Before sitting down there was one other point on which he wished to say a word. Now that municipalities carried on so many and such important commercial undertakings, there was a strong feeling that the auditors should have some training as accountants. Legal knowledge was no doubt important, but it was not all-sufficient. Many chambers of commerce were strongly of opinion that the Local Government Board auditors should, at any rate in such cases, have had training as accountants, and while the Board were studying the subject he hoped they would also take this into consideration.

Amendment moved—

"In page 8, line 5, after '1888' to insert the words 'The auditor shall have the right of access to all such papers, books, accounts, vouchers, sanctions for loans, and so forth, as are necessary for his examination and certificate.

'He should be entitled to require from officers of the authority such information and explanation as may be necessary for the performance of his duties.

"He should certify—

- '(1) that he has found the accounts in order or otherwise as the case may be;
- '(2) that separate accounts of all trading undertakings have been kept and that every charge which each ought to bear has been duly debited;
- '(3) that in his opinion the accounts issued present a true and correct view of the transactions and results of trading (if any) for the period under investigation;
- '(4) that due provision has been made out of revenue for the repayment of

loans, that all items of receipts and expenditure and all known liabilities have been brought into account, and that the value of all assets has in all cases been fairly stated.' "—(*Lord Avebury.*)

*Lord ALLENDALE said he was much obliged to the noble Lord for intimating that he would not press his Amendment. The matter was under the consideration of the Local Government Board, and he had been desired by the President to say that he was giving his careful attention to it with the advice at his disposal, but he wanted more time fully to consider the whole question. The first point in the Amendment was covered by the provisions in Section 247 (5) of the Public Health Act, 1875, which was applied to the audit of accounts of the corporation by Article X. (1) of the Provisional Order. The second point was also covered by the before-mentioned subsection, which provided a penalty in the case of any person neglecting or refusing to appear at the audit, and to make and sign a declaration as to the correctness of his accounts.

As to the points on which the auditor should certify, the first was practically covered by the auditor's certificate at the foot of the financial statement. If the accounts were not in order it would be the duty of the auditor to report the fact in his report to the corporation, which he was required to make, under the provisions of Section 247 (10) of the Public Health Act, 1875, within fourteen days after the completion of the audit. As to the next point, if the trading undertakings were carried on under the provisions of local Acts, the local Act generally required that separate accounts should be kept. The financial statement to be submitted at the audit required the transactions in respect of trading undertakings—*i.e.*, tramways, railways, water, gas, and electric light—to be shown separately, and it therefore followed that separate accounts must be kept. As to the third point on which the auditor was to certify, he would point out that this Amendment seemed to deal with the abstract of the accounts issued by the local authority under the provisions of Subsection (10) of Section 247 of the Public Health Act, 1875. This abstract was issued quite independently of the auditors and some time after the audit had been completed.

With regard to the fourth and last point, the financial statement always provided for showing the repayment of loans out of revenue. The questions as to all receipts and expenditure and known liabilities being brought into account and the value of all assets being fairly stated, were matters which had been fully dealt with in the Report of the Departmental Committee on Accounts of Local Authorities. This Report had only just been presented and had not yet been fully considered by the Board. He assured the noble Lord that the whole matter was receiving the consideration of the Local Government Board in dealing with the Report of the Departmental Committee, and in these circumstances he hoped the Amendment would not be pressed.

LORD AVEBURY said that in the circumstances he would not press the Amendment, but he hoped that the very excellent recommendations of the Departmental Committee would be adopted by the President of the Local Government Board.

Amendment, by leave, withdrawn.

Standing Committee negatived; then (Standing Order No. XXIX. having been suspended), Amendments reported. Bill read 3a, and passed, and returned to the Commons.

PRIVATE BILLS.—THE STANDING ORDERS.

THE CHAIRMAN OF COMMITTEES (The Earl of ONSLOW): My Lords, I have to ask your Lordships, as is customary towards the end of every session, to agree to certain Amendments in the Standing Orders. I need hardly say that if any noble Lord desires an explanation of any of the points I shall be happy to give it. But I think it would suit the convenience of your Lordships if I formally moved that the Motion standing in my name be agreed to.

Moved, "That the Standing Orders be amended as follows:"

NOTE.—The words in SMALL CAPITALS are to be omitted, and the words printed in *Italics* are to be inserted.

5. In cases of Bills for constructing gasworks or sewage works, or works for the manufacture or conversion of the

residual products of gas or sewage, or for making or constructing a sewage farm, cemetery, burial ground, crematorium, destructor OR hospital for infectious disease *or station for generating electrical energy*, the notices shall set forth and specify the lands in or upon which such gasworks, sewage works, works for the manufacture or conversion of residual products, farms cemetry, burial ground, crematorium, destructor OR hospital *or generating station*, is intended to be made or constructed.

THIS ORDER SHALL APPLY IN THE CASE OF EVERY BILL IN WHICH COMPULSORY POWERS ARE SOUGHT, OF TAKING LANDS FOR THE CONSTRUCTION OF A STATION FOR GENERATING ELECTRICITY.

15. On or before the fifteenth day of December immediately preceding the application for a Bill for constructing gasworks or sewage works, or works for the manufacture or conversion of the residual products of gas or sewage, or for constructing any station for generating electrical energy ON SPECIFIED LANDS, OR FOR MAKING OR CONSTRUCTING A sewage farm, cemetery, burial ground, crematorium, destructor, or hospital for infectious disease, notice shall be served upon the owner and lessee of every dwelling-house situate within three hundred yards of the lands in or upon which such gasworks, sewage works, works for the manufacture or conversion of residual products, generating station, farm, cemetery, burial ground, crematorium, destructor or hospital, may be made or constructed.

26. In cases where tidal lands within the ordinary spring tides are to be acquired or in any way affected a copy of the plans and sections shall on or before the thirtieth day of November, immediately preceding the application for the Bill, be deposited at the Office of the Harbour Department, Board of Trade, marked "Tidal Waters"; and on such copy all tidal waters shall be coloured blue, and, if the plans include any bridge across tidal waters, the dimensions as regards span and headway of the nearest bridges, if any, across the same tidal waters, above and below the proposed new bridge, shall be marked thereon; and in all such cases, such plans and sections shall be accompanied by an Ordnance map of the country over which the works are proposed to extend, or are to be carried, with their position and extent, or route accurately laid down thereon:

And, in cases where the work is to be situate on the banks, foreshore, or bed of any river, *so much of the plans and sections as relates to such river*, a copy of the plans and sections shall, on or before the thirtieth day of November immediately preceding the application for the Bill, be deposited—

(1) If the river is in England or Wales, at the Office of the Board of Agriculture and Fisheries; or

(2) If the River is in Scotland, at the Office of the Secretary for Scotland; or

(3) If the river is in Ireland, at the Irish Office, Westminster, and at the Office of the Department of Agriculture and Technical Instruction for Ireland, Dublin; and

(4) IF THE RIVER IS SUBJECT TO A BOARD OF CONSERVATORS *If there be a Board of Conservancy of the river* at the Office also of such Board;

and, if the plans include any tunnel under or bridge over the river, the depth of such tunnel below the bed of the river, or the span and headway of such bridge shall be marked thereon; and such plans shall be accompanied by an Ordnance map of the country over which the works are proposed to extend or are to be carried, with their position and extent or route accurately laid down thereon.

29. Where under the powers of any Bill, any work is intended to be made, maintained, varied, extended, or enlarged, or any lands or houses may be taken or used compulsorily, or an improvement charge may be imposed, a copy of so much of the said plans and sections as relates to any of the areas hereinafter mentioned, together with a copy of so much of the book of reference as relates to such area, shall, on or before the thirtieth day of November, be deposited with the officer respectively hereinafter mentioned, that is to say, in the case of—

(*a*) The City of London, or any borough in England or Wales, whether Metropolitan or other, with the town clerk of such city or borough;

(*b*) Any urban district in England or Wales (not being a borough) *or any rural district*, with the clerk of the district council;

(*c*) Any parish in England or Wales having a parish council, with the clerk of the parish council, or, if there is no clerk, with the chairman of that council;

(*d*) Any parish in England or Wales comprised in a rural district. and not having a parish council, with the chairman of the parish meeting, AND WITH THE CLERK OF THE DISTRICT COUNCIL;

(*e*) Any burgh in Scotland, with the town clerk;

(*f*) Any parish in Scotland, outside a burgh, with the clerk of the parish council;

(*g*) Any urban or rural district in Ireland, with the clerk of the district council.

Deposits on or before the 21st of December.

33. On or before the 21st day of December a printed copy shall be deposited

(1) Of every Local Bill at the Office of his Majesty's Treasury AT THE LOCAL GOVERNMENT BOARD and at the General Post Office;

(2) *Of every Local Bill relating to England and Wales, at the Office of the Secretary of State for the Home Department and at the Office of Local Government Board*;

(3) Of every Local Bill relating to Scotland or Ireland, at the Office of the Secretary for Scotland, or the Irish Office, as the case may be;

(4) Of every Local Bill relating to railways, tramways, canals, gas, water, patents, or electric lighting, or for incorporating or giving powers to any company, at the Office of the Board of Trade;

(5) Of every Local Bill relating to any dock, harbour, navigation, pier, port, or tidal waters, at the Office of the Harbour Department of the Board of Trade, marked "Tidal Waters";

(6) Of every Bill of the Second Class whereby it is intended to authorise the construction of any work on the banks, foreshore, or bed of any river, at the Office of the Board of Agriculture and Fisheries, and at the Office of the Conservators of the River (if any);

(7) Of every Local Bill containing provisions with respect to the use of weights and measures, or the inspection or verification of the same at the Standards Department of the Board of Trade;

(7) OF EVERY LOCAL BILL.

(a) RELATING TO A LOCAL COURT OR STIPENDIARY MAGISTRATE;

(b) WHEREBY POWER IS SOUGHT TO TAKE ANY CHURCHYARD, BURIAL GROUND, CEMETERY, OR ANY PART THEREOF, OR TO DISTURB THE BODIES INTERRED THEREIN, OR TO TAKE ANY COMMON OR COMMONABLE LAND;

(c) PROMOTED BY ANY MUNICIPAL OR OTHER LOCAL AUTHORITY, BY WHICH IT IS PROPOSED TO CREATE POWERS RELATING TO POLICE OR SANITARY REGULATIONS WHICH DEVIATE FROM, OR ARE IN EXTENSION OF, OR REPUGNANT TO THE GENERAL LAW,

AT THE OFFICE OF THE SECRETARY OF STATE FOR THE HOME DEPARTMENT;

* * * *

(10) OF EVERY BILL AFFECTING ANY EDUCATIONAL ENDOWMENT OR INSTITUTION OR SETTING UP OR TAKING POWER TO SET UP ANY EDUCATIONAL FOUNDATION OR INSTITUTION, OR WHEREBY THE BOUNDARIES OF ANY SCHOOL DISTRICT OR THE JURISDICTION OF ANY SCHOOL BOARD ARE AFFECTED, AT THE OFFICE OF THE BOARD OF EDUCATION;

(10) Of every Bill relating to England or Wales which in any manner affects education or educational endowments or alters the boundary of any county, borough, or urban district, or affects the incidence of any local rate out of which any educational expenditure is payable, at the Office of the Board of Education.

34*a*. On or before the twenty-first day of December a printed copy of every Local Bill *of the first class* which proposes to authorise any persons other than the road authority to break up or otherwise interfere with any streets or roads shall be deposited at the office of the road authority.

38. Where any Bill contains or revives or extends power to take compulsorily or by agreement any land in any local area as defined for the purposes of this Order, and such taking involves or may involve the taking in that area of any house or houses occupied either wholly or partially by thirty or more persons of the working class, whether as tenants or lodgers, the Promotors shall deposit in the Office of the Clerk of the Parliaments, and at the Office of the Central Authority, on or before the twenty-first day of December, a statement giving the description and postal address of each of such houses, its number on the deposited plans, the parish in which it is situate, and the number (so far as can be ascertained) of persons of the working class residing in it, and also a copy of so much of the deposited plans (if any) as relates thereto.

This order shall not apply where a statement in pursuance of this Order was deposited in respect of the Act, the powers of which are proposed to be revived or extended.

For the purposes of this Order—

* * * *

The expression "Central Authority" means as regards LONDON THE SECRETARY OF STATE FOR THE HOME DEPARTMENT, AND AS REGARDS England and Wales (OUTSIDE LONDON), the Local Government Board, as regards Scotland the Secretary for Scotland, and as regards Ireland the Local Government Board for Ireland:

The expression "Bill" includes a Bill confirming a Provisional Order.

7. PROVISIONS RELATING TO THE *Consents of Proprietors or Members of Companies* ALREADY CONSTITUTED, *and of Persons named as Directors.*

62. In the case of every Bill, whether originating in this House or in the House of Commons, promoted by a company already constituted by Act of Parliament, proof shall be given before the Examiner, before the Second Reading of the Bill in this House, that the following requirements have been complied with, and the Examiner shall report accordingly:—

* * * *

71*a*. *Any Local Bill or Provisional Order Confirmation Bill brought from the House of Commons in which Amendments have been made during their progress through this House shall, if the Chairman of Committees thinks fit, be referred to the Examiners to consider and report whether the Standing Orders have been complied with in respect of such Amendments.*

75. Every memorial complaining of non-compliance with the Standing Orders in respect of any Bill referred to the Examiners after First Reading, or in respect of any petition for additional provision, *or by direction of the Chairman of Committees*, shall, together with two copies thereof, be deposited in the Office of the Clerk of the Parliaments before twelve o'clock on the day preceeding that appointed for the examination.

96. Every Local Bill *which is opposed and every* OR Provisional Order Confirmation Bill *as respects any opposed Orders scheduled thereto* WHICH IS OPPOSED shall be referred to a Select Committe of five.

Cemeteries, Gasworks, &c.

139. In every Bill for making or constructing gasworks or sewage works or works for the manufacture or conversion of the residual products of gas or sewage, or for making or constructing, altering, or enlarging any sewage farm, cemetery, burial ground, crematorium, destructor, OR hospital for infectious diseases, *or station for generating electric power*, there shall be inserted a clause defining the lands in or upon which such gasworks, sewage works, farm, cemetery, burial ground, crematorium, destructor, OR hospital, *or generating station* may be made or constructed.

IN THE CASE OF A BILL AUTHORISING THE GENERATION, SUPPLY, OR USE OF ELECTRICITY THERE SHALL BE INSERTED EITHER A CLAUSE DEFINING THE LANDS IN OR UPON WHICH ANY STATION FOR GENERATING ELECTRICITY MAY BE CONSTRUCTED OR A CLAUSE TO THE EFFECT THAT THE UNDERTAKERS SHALL NOT BE

EXONERATED FROM ANY INDICTMENT, ACTION OR OTHER PROCEEDING FOR NUISANCE IN THE EVENT OF ANY NUISANCE BEING CAUSED OR PERMITTED BY THEM ON THE LANDS ON WHICH ANY SUCH GENERATING STATION MAY BE CONSTRUCTED.

143. A copy of every local Bill, if amended in Committee, shall, as so amended, be deposited at every office at which it was deposited under Standing Orders 33 *and* 34, *or would be required to be deposited under those Orders if it had been originally introduced as amended in Committee.* 143. A COPY OF EVERY RAILWAY BILL, TRAMROAD BILL, AND TRAMWAY BILL, IF AMENDED IN COMMITTEE, SHALL, AS SO AMENDED, BE DEPOSITED AT THE OFFCE OF THE BOARD OF TRADE three days before the Bill is read a third time, and proof of compliance with this Order shall be given by depositing a certificate from that Board in the Office of the Clerk of the Parliaments.

143. A COPY OF EVERY RAILWAY BILL, TRAMROAD BILL, AND TRAMWAY BILL, IF AMENDED IN COMMITTEE, SHALL, AS SO AMENDED, BE DEPOSITED AT THE OFFICE OF THE BOARD OF TRADE THREE DAYS BEFORE THE BILL IS READ A THIRD TIME, AND PROOF OF COMPLIANCE WITH THIS ORDER SHALL BE GIVEN BY DEPOSITING A CERTIFICATE FROM THAT BOARD IN THE OFFICE OF THE CLERK OF THE PARLIAMENTS.

103*a*. A COPY OF EVERY LOCAL BILL, IF AMENDED IN COMMITTEE, SHALL, AS SO AMENDED, BE DEPOSITED AT THE OFFICE OF HIS MAJESTY'S TREASURY AT THE LOCAL GOVERNMENT BOARD, AND AT THE GENERAL POST OFFICE THREE DAYS BEFORE THE BILL IS READ A THIRD TIME.—(*The Earl of Onslow.*)

On Question, Motion agreed to.

Standing Orders amended accordingly, and to be printed as amended. (No. 194.)

PETITIONS.

SMALL LANDHOLDERS (SCOTLAND) BILL.

Petition for amendment of; of Ross and Cromarty Land and Property Defence Association; read, and ordered to lie on the Table.

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.

Petition against; of persons signing (3); read, and ordered to lie on the Table.

RETURNS, REPORTS, ETC.

BOARD OF EDUCATION.

Supplementary Regulation for Secondary Schools in England, 1907.

TREATY SERIES, No. 24. (1907).

Supplementary Agreement between the United Kingdom and Sweden for the mutual surrender of fugitive criminals; signed at London, 2nd July, 1907.

ARMY.

1. Memorandum on the Militia and Yeomanry.

2. Report of the Advisory Board, London School of Economics, on the first course at the London School of Economics, January to July 1907, for the training of officers for the higher appointments on the Administrative Staff of the Army, and for the charge of departmental services.

Presented [by Command]; and ordered to lie on the Table.

EVICTED TENANTS (IRELAND) BILL.

Returned from the Commons with several of the Amendments agreed to; several others agreed to, with Amendments, and with consequential amendments to the Bill; several others disagreed to, but Amendments made in lieu thereof; and several others disagreed to with reasons for such disageement: The said Amendments and reasons to be printed, and to be considered on Friday next. (No. 193.)

BUSINESS OF THE HOUSE.

Moved, "That Standing Order No. XXI. be considered in order to its being suspended for this day's sitting; and that the Order for the Second Reading of the Consolidated Fund (Appropriation) Bill have precedence of the other Notices and Orders of the day."—(*The Marquess of Ripon*).

On Question, Motion agreed to, and ordered accordingly.

CONSOLIDATED FUND (APPROPRIATION BILL.)

[SECOND READING].

Order of the Day for the Second Reading read.

Moved, "That the Bill be now read 2a"—(*The Marquess of Ripon*).

*THE MARQUESS OF LANSDOWNE: My Lords, I hope noble Lords opposite will not think that I obstructed the course of public business by suggesting that this Bill, which only arrived late last night, should not be put through all its stages between 10 and 11 p.m. The appearance of this Bill on the Paper affords, I conceive, a legitimate opportunity of calling attention to a matter of some importance and one which certainly concerns your Lordship's House. I will state it in the fewest and most direct words, as I do not want to stand between your Lordships and the interesting business on the Paper.

The Education Estimates of this year include an item of £100,000 for new elementary schools. No particulars, so far as I am aware, are given of the schools or the localities in which this sum is to be spent, but we understand that it is to be devoted to the provision of new schools in single school areas, where the one existing school is denominational. I am not going to discuss the case of single school areas. We on this side of the House have always admitted the grievance of schools of that description, and have shown in our debates that we were ready to bear a part in remedying that grievance. But what I wish to call attention to is this. As I understand the matter, this Vote of £100,000 is a distinct contravention of Section 96 of the Education Act, 1870. That section runs as follows—

> "No Parliamentary Grant shall be made in aid of building, enlarging, improving or fitting up any elementary school except in pursuance of a memorial . . . sent to the Education Department on or before December 31, 1870."

Therefore, my Lords, I take it there can be no question that, *prima facie*, this Vote is an irregularity and a contravention of the Statute of 1870. His Majesty's Government have, however, intimated that in their opinion the irregularity is sufficiently covered by the Appropriation Bill which now lies upon the Table of the House.

The question I want to ask is whether that is the view His Majesty's Government accept, and, if so, how far, in their opinion, this practice can safely be extended. I should like to suggest to the Lord President of the Council some of the possibilities which the establishment of this precedent opens out to us. We live in an age when so-called social legislation is much in vogue. Acts of Parliament dealing with these social problems invariably involve expenditure, and generally a very large expenditure, of public funds, and it is the practice of Parliament to accept the principle of this expenditure subject to the restrictions and conditions laid down in the Act which authorises it. That is the bargain which Parliament makes with the country, and it is on the faith of these restrictions and conditions that the two Houses accept measures of the kind which I have described. What I want to suggest to the noble Lord opposite is that all this becomes little better than a farce if the same Parliament or another Parliament is able subsequently by means of votes of money to accomplish the purpose at which the original Act was aimed, but without any of the restrictions, reservations, and conditions which that Act contained.

I dwell upon the importance of this question to your Lordships because we are continually being reminded that we must not do anything which runs counter to the privilege of the House of Commons. So far as I am aware, noble Lords who usually act with me are ready loyally to observe the doctrine of privilege, although we know that its interpretation varies a good deal at different times. We fully admit that it is not in the power of this House to alter Money Bills, and that the only thing we can do is to throw them out. But I wish to dwell upon this, that the bargain has two sides to it, and the complement of the rule which forbids us from invading the privilege of the House of Commons is that the House of Commons shall not take advantage of procedure of the kind I am criticising this evening by tacking on to Supply Bills controversial provisions, and thus obtaining for those controversial provisions an immunity to which they would not otherwise be entitled.

The matter is clearly stated in Sir Erskine May's book on Parliamentary

Procedure. May I read this extract to your Lordships—

> "In former times, the Commons abused their right to grant supplies without interference from the Lords, by tacking to Supply Bills provisions which, in a Bill that the Lords had no right to amend, must either have been accepted by them unconsidered, or have caused the rejection of a measure necessary for the public service. This is an invasion of the privileges of the Lords, no less than their interference in matters of Supply infringes the privileges of the Commons."

Then he quotes the Standing Order of your Lordships' House with which I have no doubt noble Lords opposite are familiar—

> "That the annexing any clause or clauses to a Bill of aid or Supply, the matter of which is foreign to, and different from, the matter of the said Bills of aid or Supply, is unparliamentary and tends to the destruction of the constitution of Government."

Perhaps I shall be told that there is nothing in this grant of £100,000 which can properly be described as foreign to an Appropriation Bill. If that doctrine is accepted you may find yourselves in this position. You may have two Acts of Parliament in force at the same time, one forbidding in express terms expenditure for a particular purpose, and the other authorising such expenditure. The matter seems to me a very serious one, because the practice which His Majesty's Government are apparently about to adopt does have the effect of withdrawing from the cognisance of your Lordships matters in which you are interested and as to which you have a perfect right to express your opinion. The matter seems to me indeed so serious that I should have been at any other moment inclined to suggest to the House that it should be inquired into by a Committee, but at this period of the session I do not think that much good would result from such a suggestion. I do, however, wish to raise a note of warning and to intimate to noble Lords opposite that the matter is not one which has escaped our attention and that we shall very likely have to recur to it on some future occasion.

THE LORD CHANCELLOR (Lord LOREBURN): My Lords, I think it is desirable, in the first place, to appreciate what has been done. What has been done is this. There is a clause in the Act referred to providing that no grant shall be made for a particular purpose. That is a statute for general application and upon which I will say a word in a moment. The House of Commons has in the Appropriation Bill passed a sum of £100,000 for the purpose which is prohibited by the earlier Act. Now the House of Commons has in that respect not repealed the earlier Act, but simply made an exception for this year. For this there is a precedent, which I referred to on the last occasion that the matter was before your Lordships. I do not say that it is a precedent altogether *in pari materia*, but it is in point. The Act prescribed the payments to be made to certain Irish officials, and the House of Commons in six consecutive years altered those salaries in Appropriation Bills. It was done under a Conservative Government and I believe also under a Liberal Government. Upon the question whether this is a constitutional practice I can only say that authorities differ. I think it is a very bad practice; indeed I should be disposed to say an unconstitutional practice, to put into an Act of Parliament a provision restricting the power of Parliament or the House of Commons hereafter to say what money should be granted or not granted in the course of the year in years to come. No Parliament has a right to impose any condition upon future Parliaments, and in doing what it has done it seems to me that the House of Commons has released itself temporarily from the fetter imposed by the Act of 1870. But it is better to be quite frank in the matter. There is no doubt that in taking this action the House of Commons is using the power of the purse, which it has always regarded as its chief weapon and of which it has supreme control, for the purpose of protecting itself against the intolerable position in which it was placed by the rejection of the Education Bill last December.

THE MARQUESS OF LONDONDERRY: My Lords, it is not my intention to say anything with regard to the creation of this remarkable precedent, because that has been fully dealt with by my noble friend the Leader of the Opposition; but I would point out that I have never received any reply to the question which I put to the Government some time ago as to why this sum of £100,000 was not obtained in the usual and regular way by bringing in a Bill. I should be glad if I could receive some reply to that question now. I rather gathered that the President of the Board of Education seemed to think that if such a Bill were introduced in the House of Commons it would not pass your Lordships' House. I cannot think that that can be accepted as a proper explanation of the adoption of this extraordinary course. There have been cases in the past where money has been required for various purposes in the relief of schools, but that money has always been obtained in the regular way by means of a Bill. I hope this precedent will not be followed in the future, and I should like some authoritative reply to my question.

THE LORD PRESIDENT OF THE COUNCIL (The Earl of CREWE): My Lords, I conceive that the answer to the noble Marquess's question is a very simple one. He is perfectly correct in saying that the reason my right hon. friend the President of the Board of Education did not introduce a Bill on this subject was that he was quite certain such a Bill would not pass your Lordships' House.

THE MARQUESS OF LONDONDERRY: As the noble Marquess the Leader of the Opposition specially stated, there is no ground for such an assumption. We on this side of the House agree that in districts where there is but one school, and that a denominational school, there is a hardship, and that being the case I do not see that the Government need have had the slightest fear in the matter. I cannot accept that as a valid excuse for the taking of this extraordinary action.

On Question, Bill read 2^a: Then (Standing Order No. XXXIX, having been suspended), Bill read 3^a, and passed.

"LIVE RAIL" ACCIDENTS.

VISCOUNT GALWAY: My Lords, I rise to move for a Return of the total number of persons injured by what is called the "live rail" on railways in the years 1904, 1905, 1906, and the first eight months of 1907; defining in the Return the number of fatal accidents, and on what railway companies they took place. In the neighbourhood of Newcastle eight deaths and twenty serious accidents were caused by the "live rail" in 1904, but I believe the number was less in 1905. I have in my hand newspaper accounts of other accidents which have happened since 30th June in this year, and they record the fact that two deaths and one serious accident have occurred in this way. I think after these accounts for the last six weeks it is time attention was drawn to this danger, and I shall bring the matter forward early next session in the hope that proper safeguards may be introduced, and it is with that object that I beg to move for the Return standing in my name.

Moved, "That there be laid before the House a Return of the total number of persons injured by what is called the "live rail" on railways in the years 1904, 1905, 1906, and the first eight months of 1907; defining in the Return the number of fatal accidents, and on what railway companies they took place."—(*Viscount Galway.*)

THE EARL OF GRANARD: My Lords, the Board of Trade will be very pleased to furnish the Return asked for by the noble Lord, and if he will consent to wait another fortnight the Return can be presented up to the end of August.

*VISCOUNT GALWAY: I will gladly wait in order to have the Return complete.

On Question, Motion agreed to, and ordered accordingly.

EDUCATION (ADMINISTRATIVE PROVISIONS) BILL.

[SECOND READING.]

Order of the Day for the Second Reading read.

THE EARL OF CREWE: My Lords, this measure is one which I am glad to say is not of a controversial character, although it contains some very important provisions. Some of those provisions are old friends of your Lordships, because they appeared in the Education Bill which I had the honour to introduce last year. As any of your Lordships who have looked into the Bill will have observed, there is no general principle involved in it. It is really an omnibus measure, and in another place my right hon. friend expressed his desire to withdraw from it any propositions which were seriously opposed by responsible members of the Opposition, and that it should go through, as far as possible, as an agreed measure.

I will call attention to a few of the provisions. Clause 1 enables local authorities to appropriate land for educational purposes on a wider scale than has hitherto been the case; that is to say, land and buildings for secondary and elementary schools become interchangeable under this proposition. But it is important to observe that this re-allocation of land has to receive the consent of the Local Government Board before it can be made, and that, I think, meets an objection which might possibly be raised against this particular clause, namely, that by allocating to educational purposes lands acquired for other purposes county councils might be able to exceed to a very considerable extent the present 2d. limit of the rate, but as the consent of the Local Government Board is required I think your Lordships will be disposed to agree that no real danger exists in that regard.

Then Clause 3 gives an extension up to a term not exceeding 60 years, during which money borrowed by county councils is to be repaid, and on that I need merely say that this provision places county councils in exactly the same position as, and no better than, borough councils and urban district councils for this purpose. Clause 5 deals with the question of capital expenditure. The precise question as to what constitutes capital expenditure in school provision is sometimes an obscure and complicated one. The only point I wish your Lordships to notice in regard to this is that it is only so far as audit and the consequent possibility of surcharge are concerned that any change is made. So far as any question of application to the Courts of Law is concerned, matters remain as they were. Then I pass to Clause 9, which places schools for blind and deaf children in a better position than before. Clause 11 allows local education authorities to aid the instruction of children from twelve up to the limit of school age by scholarships and bursaries. That is an important provision for enabling the promising children of the very poor, who might find a difficulty in continuing at school, to finish their school course, and, as one hopes, ultimately climb still higher the educational ladder. Clause 12, dealing with higher education, enables students who have received scholarships still to receive them even when they have ceased, as sometimes happens, particularly in the case of great towns like London, to reside in the actual area. That is a provision which, in our opinion, will be of great service in removing individual cases of hardship.

Then I come to Clause 13, which, as your Lordships will remember, was in the Education Bill of last year. The first subsection gives power to provide vacation schools, play centres, and other means of recreation during the holidays. That proposal when it was made in last year's Bill received, I think, the unanimous approval of your Lordships' House, and therefore I do not propose to spend any further time in discussing it. But Subsection (b) deals with the still larger and more important question of medical inspection. The noble Marquess opposite, Lord Londonderry, and I had what I am sure was a great pleasure to him as it was to me, the opportunity of standing together on the platform of the School Hygiene Congress which was held the other day. That congress was one testimony amongst others of the importance that is attached by thoughtful people in this country as well as in other countries to this question of school hygiene, of which these points relating to medical inspection and care form, I think it is safe to say, by far the more important part.

We are glad to know that in another place this provision received a large measure of support. So experienced a Member of the other House and one so respected as Sir Francis Powell spoke in very warm terms of the proposition contained in this clause; and, as I daresay many of your Lordships know, the Board of Education is now actively engaged in forming a medical department for the purpose of supervising this medical inspection. It is provided, as your Lordships will see, that children should be inspected at the time of their admission to a public elementary school, and afterwards periodically as the Board of Education direct; and the further words in the clause provide for arrangements for attending to the health and physical condition of the children educated in public elementary schools. Provision is made for medical care of the minor ailments to which children are subject, and the manner in which it is thought by many that this can be best carried out is by visits of nurses employed by the local authority to the homes of the children, where they are able to deal with small ailments very often caused quite as much by the ignorance of the parents as by anything which could properly be called neglect or want of care.

On this question of medical inspection —and it is, I think, the only one on which any points of difference have arisen—I should like to say one further word. In another place an Amendment was moved desiring that the parents who are able to do so should be made to pay for this medical attention on the lines of the Provision of Meals Act of last year. From the point of view of the child there is something of painful irony in the introduction of the term "provision of meals" when the medical attendance is likely as often as not to take the form of a dose of tincture of senna or castor oil. But putting that aside, my right hon. friend considered most carefully how far it was possible to meet this proposal, and he found, after giving it his best consideration, that it did not seem practical to apply the provisions of that Act to this Bill, and very largely for this reason—that if you insist upon parents paying their share for this medical attention the practical result is almost sure to be that it will have to take place at the school and the school only. If parents are charged for the visits of nurses or of doctors to the homes of the children, the result will be that they will refuse to admit those persons, and, as it is considered that the most sensible, practical, and economical way of dealing with these minor ailments is by domestic visits, a great part of the objects of the Bill would, I am afraid, be sacrificed if this change were made. The change is obviously not likely to be at all a serious one, and I hope under these circumstances your Lordships will not desire to see the Bill altered in that particular way.

I now come to the question how the expenses under this Clause will be met. It is not considered possible, and I think for very obvious reasons, to make specific grants to local authorities, but my right hon. friend has already announced in another place that a very considerable addition will be made to the grants to local authorities in connection with elementary schools in the next Estimates. That fact is to be taken into consideration in dealing with the possible, or, indeed, probable extra cost which may be placed upon local authorities by this new provision. Then there is the further point, as to the time when this section should come into operation. It would, of course, naturally have come into operation as soon as the Bill was passed; but, in deference to a suggestion made in another place, I think by Sir William Anson, it was provided that this section should come into operation on the 1st day of January next year. That may seem to some members of your Lordships' House, too short a time to get an organisation of this kind into full swing, and it undoubtedly is. I think it is quite clear that the Local Education Authority, considering it may be some time before it is able to deal with the matter at all, would not be able to get this system into anything like working order by the 1st of January. But if noble Lords will look at the clause they will see that all that the clause insists on is that the duty to provide should begin from that date. Noble Lords who represent local authorities may, I think, take it quite clearly that the Board of Education will not press them to have their systems of medical inspection in full working order by January 1st. The principal difficulties which each local authority may experience in getting this system into order will be taken into full and fair consideration, so long as by that time they are seriously considering the question and preparing to deal with it in a practical way.

There are only two other matters which I need mention. The first is Clause 14, of which I think the author was the noble Earl opposite, Lord Belper, with regard to the conveyance of children to school, and which provides that where suitable means of conveyance to school are provided, the excuse for non-attendance under Section 74 of the Act of 1870 shall not be held to be a good one. That is a very sensible and useful provision. The other point is as to the register. I am not going to trouble your Lordships this evening with any disquisition on that somewhat vexed and complicated subject. There was a general impression on the part of those who looked into the matter that to a great extent the teachers' register as it existed had somewhat broken down and failed to effect the purpose for which it was originally formed. There was a proposition at one time that it should be dropped altogether, but that caused a certain amount of distress among those interested in the subject, and therefore this clause represents a compromise on that subject—namely, that a simple register, of a different character from that which has been the rule hitherto, should be instituted, and I think it will have a value of its own. Although it does not, I am afraid, satisfy all the persons who were placed on the original register, yet at the same time it will provide a means for teachers who have gone to the trouble and expense of obtaining the superior certificates and the higher form of education making that fact known to those who desire to engage them. I think I need detain the House no longer. I hope this measure will receive the support of noble Lords opposite who are qualified from their own experience to express an opinion upon its provisions.

Moved: "That the Bill be now read 2*a*."—(*The Earl of Crewe.*)

*THE LORD ARCHBISHOP OF CANTERBURY: My Lords, the noble Earl, in the exceedingly interesting speech which he has just made, referred to the pleasure with which he had recently found himself on the same platform elsewhere with the noble Marquess who occupied, under the late Administration, a similar position to that now held by the noble Earl. I should like to say, in the same spirit, how glad I am at finding myself in the position to-night of warmly supporting an Education Bill introduced by my noble friend the Lord President.

I desire to support this Bill cordially. I do not mean to say that there are not points in it upon which, had an opportunity been earlier given to us, I should have offered some criticism, but I feel that any criticism at the present moment might endanger the measure, which I desire to see passed into law. I was one of those who last year, when the negotiations for the Education Bill fell to the ground, experienced a keen feeling of disappointment, partly because of the loss of the very provisions which are contained in the Bill now presented to your Lordships. It was our own plan and endeavour to prepare a new Bill which should have embodied some of those provisions even at the last moment when the Education Bill of last year was perishing or had perished. It is, however, much easier for the Government than for anybody else to do this, and I am glad to be able to say how cordially I support the provisions contained in this Bill and especially Clause 13, to which the noble Earl referred.

The provisions dealing with medical inspection, play centres, and recreation schools we are anxious to see carried into vigorous effect; and I am certain that the regulations which the noble Earl has foreshadowed as regards the manner in which medical treatment or inspection will be carried out are such as are likely to produce most beneficent results, not only in the schools but in the homes from which the children come. The proposals contained in the Bill must involve some considerable expense, and I imagine that some county councils may look a little askance on them; but I am one of those who believe that no expense is likely in the long run to justify itself more satisfactorily than expenditure in the direction this Bill sets forward. I congratulate the noble Earl upon what I hope is now the assured prospect of the passing of this Bill.

THE MARQUESS OF LONDONDERRY: My Lords, after the speech of the most rev. Primate it is hardly necessary that I should address your Lordships, because what the most rev. Primate has said expresses so well the views which I and my friends on this Bench hold with regard to the Bill. It was with sincere regret that we saw those clauses in the Education Bill of last year which dealt with the medical inspection of children, the provision of improved playground accommodation and recreation schools, sacrificed on account of the failure of the whole Bill to pass. I remember taking part in many of the discussions in Committee, and the clauses which are included in this Bill were by universal consent regarded as of an admirable character. This Bill, therefore, comes to your Lordships in what I may call an uncontentious character. The President of the Board of Education went out of his way, when this measure was in the House of Commons, to say he trusted it would be met in an uncontentious spirit, and I am prepared to say that we are quite willing to meet it in that spirit.

The noble Earl has clearly pointed out the great advantages that will accrue to the children if this Bill becomes law. I most cordially approve of the clause which gives power to the local authorities to provide vacation schools and play centres. The noble Earl alluded to the fact that he and I were privileged to take part in the congress of the National Society for the Promotion of Hygiene, held in London a short time ago, and I may say that I listened with interest to the words that fell from the noble Earl on that occasion with regard to the question of medical inspection. I most cordially concur in all he said then and to-day, but, at the same time, I am bound to say that I think it would have been advisable to have considered a little more carefully the Amendment moved in another place as to whether the parent, when in a position to do so, ought not to contribute to the cost of medical attention. But as I do not think it desirable to raise any controversy I do not propose to press that question further.

I am glad to hear that the grant to the local authorities will be increased in view of the additional duties to be imposed upon them. The sum was not mentioned, but I daresay that may come out at a later stage of our proceedings. Before I sit down I should like to express the pleasure with which I regard the proposals in the Bill to encourage those voluntary agencies, like the Happy Evenings Society, which have done so much for the health and happiness of the children. I am glad that encouragement is given to the ladies and others connected with these societies throughout the country; and I trust the Bill will speedily become law.

LORD BELPER: My Lords, I do not rise for the purpose of raising any objection to the principles of this Bill, which contains some Amendments introduced into the Bill of last year on my motion. The noble Earl the Lord President has referred to the clause dealing with the subject of medical inspection, upon which the House will remember I had something to say in the discussions last year. I pointed out, not that the county councils objected in any way to medical inspection, which everybody recognises is of the greatest possible value if carried out efficiently, but that the expense would be very considerable in counties as compared to boroughs; and also that greater latitude should be given to county councils in regard to the time in which the scheme was to be carried out.

As to the first point, I am glad to hear that, although a specific grant cannot be given, this additional expense will be considered by the giving of an increased grant for elementary education; and if any allocation is made with regard to this, I hope it will be remembered that in counties the expense will be much larger, owing to the scattered nature of the district, than in boroughs. Words have been introduced in this clause which somewhat meet the second point. I refer to the words "as soon as possible," but I am not sure that these words express all we would like. If this inspection is to be efficient you cannot entrust it to the local medical practitioners. You must appoint people with special knowledge of the subject, and therefore you must give sufficient time for all these arrangements to be carried out before the inspection comes into force. That is a point we hope will be considered.

We are at the end of August now, and everybody connected with county councils is away on holiday. Therefore nothing can be done until October, leaving only one meeting of the county council before the 1st of January next, the date fixed for the Bill's coming into operation. If you are to build up an efficient system and to appoint competent men and women—I think women will be quite necessary in this work—it will take time. I consulted a very competent medical officer of health on the subject, and he said he thought that if his county council entrusted to him the work of drawing up the scheme, it would take him nearer a year than six months to do so; and I understand that the Board of Education have not yet got their medical board constituted, and regulations will, of course, have to be issued by them. If the Government do not wish to alter the date specified in the Act, I hope there will be some power given to the Board of Education to treat county councils who want to do the work efficiently with latitude in the matter. Otherwise you will have to start with makeshift schemes, which would be unsatisfactory and not likely to work. I do not wish to move any amendment to this clause, but I hope that point will be considered, and that it will not be neceesary for county councils to have appointed their inspectors by the

1st of January, because I believe that would be absolutely impossible. It would meet our view more if words were inserted to give the Board of Education power to extend the period if they considered it necessary.

THE EARL OF CREWE: My Lords, perhaps I might say that I have had an opportunity of discussing this point with my right hon. friend, and he thinks—and I am bound to say I agree with him—that the Bill as it stands really does meet the difficulty raised by the noble Lord. There is nothing in the clause which says the inspection is to begin by the 1st of January. What the Bill says is that the duty to provide must begin. My right hon. friend appreciates the point raised, and the noble Lord can be quite satisfied that the Board of Education will not press county councils unduly in this matter.

*THE LORD BISHOP OF HEREFORD: My Lords, there is one point in connection with Clause 13 of the Bill on which I would ask your Lordships' indulgence while I say a word or two. It is the subject of the vacation schools. I venture to say a word on this matter because, as the most rev. Primate reminded the House, there may be some fear in the minds of local authorities as to the expense which this clause may throw upon the locality. Your Lordships know better than I do that there is nothing on which local authorities are so sensitive as on the question of additional expense, and therefore it may reassure them if I say that my own experience shows that vacation schools need not be very expensive. We owe these excellent institutions to the initiation of Mrs. Humphrey Ward, and recognition is due to her for what she has done in the matter. Having seen her experiment I ventured to try it myself in the city of Hereford two years in succession during the summer vacation, and I found it possible to work the vacation school at an expense of only about 1d. per child for each hour's attendance. If local authorities could be assured that the expense of such schools would not be very much more than this, I venture to think they might be encouraged to undertake them. It is on that ground I have ventured to bring before your Lordships my own experience in the matter, and I will add that I am convinced there is no part of our elementary education system which is more valuable to vast numbers of city children than a well-conducted vacation school.

On Question, Bill read 2ª, and committed to a Committee of the whole House to-morrow.

SMALL HOLDINGS AND ALLOTMENTS BILL.

House in Committee (according to Order).

[The Earl of ONSLOW in the chair.]

Clause 1:

LORD HENEAGE moved to substitute for the word "persons" the words "officers of the board." He wished to earmark these Commissioners as officials of the Board of Agriculture and to express in the Bill what was understood to be the intention of the Government. He thought the selection of the name "Commissioner" was very unfortunate, as it appeared to carry with it the germ and the bacillus of the Irish land system. Some more convenient name might have been used. If it were the 21st of June instead of the 21st of August he would have been inclined to eliminate the word "Commissioner" and substitute "the Board of Agriculture"; but to propose that now was impossible, as it would practically mean the redrafting of most of the clauses and a great many consequential and drafting Amendments. It had been proposed in another place that the title "Inspectors" instead of "Commissioners" should be given to these officers, but it had been said that that would be derogatory to these very superior persons. He was bound to say he did not think that a very good answer. The eminent inspectors of the Board of Trade, the Local Government Board, and the Home Office were quite as important persons as the Commissioners under this Bill were likely to be. Then, again, the Commissioners were really to be the leading actors under the Bill. The county councils and the Board of Agriculture were treated as secondary persons throughout. He would have thought that the county councils would have been put in the front rank, with the Board of Agriculture as the Court of Appeal; and that the officers of the Board of Agriculture would have been treated as subordinate to the Board and not put in the forefront of the Bill. Again, he was unable to see why the term "persons" should be used in reference to the Commissioners and "officers" in regard to the others to be appointed for the purposes of the Bill. Under the terms of the Bill the Commissioners were to be the persons to act; it was true they were to act under the direction of the Board of Agriculture, but they would only receive general directions, and would practically act in each case on their own initiative. What was the real reason for this rather confused drafting of Clauses 1 and 2? He thought it was to be found in the genesis of the Bill as described by the Prime Minister. The cry was "Back to the land," but the provisions in this Bill were absolutely impossible and hostile to the sitting tenants and the labourers. What were the real reasons for the depopulation of the rural districts? The first reason was that within the last fifty years the use of machinery had entered very largely into agriculture, and there had been less requirement for labour; the second was that bad times and small profits had forced farmers to be their own foremen and shepherds, and their sons to take over small farms, the consequence being that there had been less work for farm labourers; the third reason was that over a great number of years during the last century half a million acres of land had been alienated from agricultural purposes; and the final reason was that the wives and daughters of the labourers preferred town life. He wanted to know what there was in this Bill which was likely to affect any of these causes. He feared there was nothing. He hoped the Government would accept his Amendment.

Amendment moved—

"In page 1, line 10, to leave out the word 'persons' and to insert the words 'officers of the Board.'"—(*Lord Heneage.*)

LORD BURGHCLERE agreed that it was undesirable that the Commissioners should be independent of the Board of Agriculture and able to roam up and down the country on their own responsibility. That would undoubtedly be setting up a limited bureaucracy. Therefore with the spirit of the noble Lord's Amendment he was in complete sympathy; but he thought that if it were accepted it would go a great deal further than its mover wished. The Amendment was to substitute the words "Officers of the Board" for "persons," and the clause would then read—

"Shall appoint two or more officers of the Board possessed of knowledge . . . .";

in other words, the Amendment would limit the choice of the Board of Agriculture to the present officers of the Board. He quite admitted that included among the present officers of the Board of Agriculture were many who would be well qualified to carry out the duties under this Bill, but he did not suppose for a moment that the noble Lord wished to limit the choice in this way. As to the other point, if the noble Lord would look further down in the clause he would see the words "and such other officers." It was quite obvious, therefore, that the Commissioners were to be officers of the Board.

THE PRESIDENT OF THE BOARD OF AGRICULTURE AND FISHERIES (Earl CARRINGTON): My Lords, I hope the noble Lord will forgive me if I confine myself strictly to the Amendment. Whether or not this Bill has the germs of the Irish land legislation in it I will not venture to discuss, but I can assure my noble friend Lord Heneage that he is quite wrong in supposing that the Board of Agriculture will take second place. I am President of that Board, and so long as I am permitted to fill that office I shall not take a second or a third place, but shall always be found in the front. This Amendment was very fully discussed in the Commons House of Parliament and was negatived by 3 to 1. What is the proposal? It seems to me that the noble Lord wishes to *dénigrer*, as the French would say, the position of these gentlemen. In the interest of the success of the scheme it is essential that the very best men should be selected to start it upon its career, and as the Amendment is an attempt to lower their official *status* we cannot accept it. At the same time the Commissioners will, of course, as was pointed out by my noble friend Lord Burghclere, be officers of the Board.

VISCOUNT ST. ALDWYN hoped the noble Earl would not meet every Amendment from the Opposition side with the statement that it had been discussed and negatived in another place. He thought their Lordships were entitled to have some independent opinion on this measure. With regard to the particular Amendment now before the Committee, it might of course be a question merely of name, but it might be one of substance. If it were a question merely of name he did not think it mattered in the least, except, perhaps, that there might be a point of *amour propre*, the gentlemen concerned preferring the term "Commissioners" to "officers." The question was, Was there any point of importance in the Bill in connection with which the Commissioners were not under the direction of the Board of Agriculture? He had very carefully considered the matter, and, so far as he could judge, there was no such point. He hoped, therefore, the Amendment would not be pressed.

Amendment, by leave, withdrawn.

On Question, Clause 1 agreed to.

Clause 2:—

VISCOUNT HILL moved to omit from the provision that the Commissioners should ascertain "the extent to which there is a demand, either actual or prospective, for small holdings," the words "either actual or prospective." The existing demand for small holdings was a fact, and therefore the demand for them should be easily ascertained. But the word "prospective" was an entirely different matter. The demand for small holdings would rest upon many different conditions, and he might mention two important ones, namely, the season, and the prices of agricultural produce. Two consecutive bad seasons, for example, would necessarily mean less demand for small holdings. Therefore they would have to consider the prospective conditions which would be favourable to agricultural small holdings. It appeared to him that His Majesty's Government were rather wanting to make allowances for a demand that did not exist, because if the demand existed there was no further inquiry wanted. If those words remained in the Bill it appeared to him that the Commissioners would have rather too much scope and freedom of action, because there would be nothing to prevent them roaming all over the country *ad libitum*, agitating for small holdings, which naturally would, to a certain extent, disturb tenant farmers and cause unrest among farmers and various other people in the community, and, he was afraid, create the possibility of a dangerous land speculation. If, as they were told by the noble Earl in charge of the Bill, there was such a great demand for small holdings, the words as they stood in the Bill were in his opinion needless and most dangerous, and he trusted that the noble Lord would see his way to accept the Amendment.

Amendment moved—

"In page 1, lines 24 and 25, to leave out the words 'either actual or prospective.'"—(*Viscount Hill.*)

EARL CARRINGTON: I feel sure that the House will believe that these Commissioners are not to be appointed for the purpose of making allowances for demands that do not exist, or in order to roam over the country disturbing farmers and giving unnecessary trouble to landlords or anything of that sort. The reason the words "actual or prospective" are put in the Bill is because we want the Commissioners not to take too narrow a view of their duties, and to recognise that all the requirements in the county are to be considered. We have no wish to send down a lot of "spoil sports" or disturbers into the country to make mischief—far from it. I honestly feel that the Board of Agriculture might be trusted to act as sane and reasonable men, and that it ought not to be supposed that they will always be rushing into undertakings which to any extent go beyond the necessities of the case. The House has a guarantee that none of these "wild-cat" schemes will be initiated in the fact that the Board of Agriculture is to pay half the cost that may be incurred. I think that is a guarantee that the Commissioners will act as reasonable, practical and sensible men, and that there will not be any of those excursions and alarums in the country which the noble Lord oppisite seems to fear.

LORD BELPER said that this was one of the Amendments approved of by the County Councils Association which were brought to the notice of Mr. Harcourt and considered by him. But he was bound to say that he had heard neither that night nor from Mr. Harcourt any argument which seemed to him to meet the case. What was a "prospective" demand? Could anybody in the world say what a "prospective" demand for small holdings was? He had been racking his brains to find out what demand could be said to be "prospective"; and whether there were any circumstances at all in human life where there was a certainty that there would be a demand in the future. The only thing he could think of was that when one came down in the morning, one had undoubtedly a "demand" for one's breakfast, and there was a "prospective demand" for luncheon and for dinner afterwards; and no doubt the person took that into consideration and made his arrangements accordingly. But the requirements of possible tenants for small holdings would not work with the mathematical regularity of the human frame, where there was a vacuum at a certain time of the day as surely as the hour came round. If they were going to talk about a "prospective demand," it could only mean that the person inquiring had an idea in his mind that there might be a demand at some future time; it could not be anything more, because a demand which was not in existence was not a demand. Therefore, it could only be that the people who were considering the matter thought there would possibly be a demand at some future time. The noble Earl had said that he did not want the Commissioners to take too narrow a view of the question. Why should they take too narrow a view? If the words "actual or prospective" were left out the word "demand" would be left without any limitation; and he thought that would be quite sufficient. Of course if a man came to the Commissioners, and said "I cannot take a small holding in the next six months; but as soon as I have settled a certain piece of business I shall be in a position to take it, and you may certainly put me down as one who will take a small holding towards the end of the year," that might certainly be considered by any reasonable human being to be a "demand"; and he did not see that putting in the word "prospective" really added anything to the force of it, unless there was some gentleman with not a very great discretion who considered that he might, out of his own imagination, make up his mind that there were circumstances which would possibly lead to a demand twelve months or two years hence. He hoped that the Government would give way in regard to this Amendment, because it seemed to him that it was only turning the clause into good English. He had no wish in the world to fetter the Commissioners in saying whether there was a demand actually, either to-day or to-morrow; and the ordinary word "demand" would, he thought, cover the situation. He was quite certain that if the word "prospective" were left in, it would have the effect of leading someone or other to think that it might be considered that there was a demand merely from the idea that at some future date a demand might arise; and it seemed to him that it would be extremely dangerous for county councils to have to satisfy such a demand. If land was to be purchased on a "prospective demand," what would become of the security for no loss? It was extremely likely that there would be a loss. It might be thought at a certain moment that there was going to be a demand twelve months hence; but, supposing the circumstances changed, and that there was not such a demand? If land was purchased on such an idea, it might have to be got rid of. He was aware that under the Bill it could be got rid of at a certain time if circumstances changed; but, at the same time, it was certainly not desirable to have land purchased on a speculative basis, which was what he thought was likely to take place if the word "prospective" was left in.

*THE MARQUESS OF LANSDOWNE: The noble Earl in charge of the Bill let fall an observation just now which seems to me to entirely justify my noble friend in moving his Amendment. The noble Earl told us that we were not to regard the proceedings of these Commissioners with too much apprehension. He said, "Do not suppose that it will be the business of these gentlemen to consider a demand which does not exist." My Lords, a "demand which does not exist" is a "prospective demand"; and therefore I appeal to the noble Earl to agree to this very reasonable suggestion.

THE DUKE OF RICHMOND pointed out that assuming the Commissioners went down into a county and found that there was a demand for small holdings, that was well and good. But supposing they found there was a "prospective demand" for small holdings in that particular district, what would be the effect of their report? Was the land to be scheduled as adaptable at some future time for small holdings, and would the owner in consequence be unable to deal with it? Otherwise, unless there was some drastic measure of that sort contemplated in delineating a "prospective demand" for small holdings, he failed to see the use of the word at all.

THE UNDER-SECRETARY OF STATE FOR FOREIGN AFFAIRS (Lord FITZMAURICE) thought the observations which had fallen from the noble Duke, following those which came from his noble friend the Marquess of Lansdowne, rather showed that the discussion was being carried on, on the part of noble Lords opposite, under, for the moment, a rather mistaken apprehension as to the exact stage of the Bill which had been arrived at. If they had been discussing the later clauses where they would arrive at the stage of "Schemes and Orders," he thought the observations which had just fallen from the noble Duke would have been perfectly to the point.

THE DUKE OF RICHMOND asked what part of the Bill the noble Lord was alluding to?

LORD FITZMAURICE said that he was referring to Clauses 3 and 4. When they arrived at those clauses, they would be dealing with schemes, and with Orders for carrying out schemes. The clause which they were now on related simply to the preliminary inquiry and report, and had been framed with the object of giving as large a latitude as possible to those preliminary inquiries. He could understand that a certain amount of quite legitimate criticism and good humoured cavilling might be indulged in about the word "prospective." They might be asked what was actually meant by a "prospective demand." He would suggest that a "prospective demand" meant a probable demand, and that the Commissioners in going round would inquire into the general circumstances of the district. They would not be inquiring, or proceeding at that stage to make an order in regard to any particular parcel of land, but they would be taking the whole circumstances of the case into consideration. No doubt their Lordships might go on almost for ever refining upon the sort of facts which might or might not occur to the Commissioners as justifying or not justifying a report stating that there was a "prospective demand," just in the same way as the theologians of the 17th Century used to burn one another about distinctions relating to "actual" and "prevenient" grace; but he did not think that kind of very subtle discussion, which interested persons with what might be called a metaphysical mind, were really worthy, at the present stage, of taking up any very great amount of time. He was not for a moment saying that the criticisms and questions were not perfectly legitimate; but, looking at the question from a common-sense point of view, and bearing in mind—because that was what he particularly wanted to urge upon the Committee—that they were now on the stage of an inquiry and report by the Commissioners he thought the word could not possibly do any harm.

THE DUKE OF NORTHUMBERLAND said that the speech they had just heard had alarmed him immensely; and he could not help asking what had become of the "Farmers' Charter"? Last year they passed an Act of Parliament limiting landed proprietors' discretion for dealing with their tenants, because there were supposed to be in the country some landed proprietors who so interfered with their tenants that their security was a very bad one. Now they were to erect the President of the Board of Agriculture into a landlord who was to have the power of turning out any tenant in any part of the country. That was the effect of the Bill. And they were told, by way of cheering the farmers, that the Commissioners were to go down to report, not only on actual demands for small holdings but—he thought he was quoting the actual words of the noble Lord (Lord Fitzmaurice) — the probable demands for small holdings. They were to tell certain districts that there was every probability that they would be disturbed, if not immediately, in the very near future. The noble Lord had especially pointed out that because they had not yet got to the later stages of the Bill they were not to do that which would be, to a certain extent, fair, namely, to indicate which farmers were to be disturbed and what position the individuals would be in, but they were to have the power of unsettling the minds of a whole lot of tenants in a district as to a probable demand in the future. He thought that was not a thing which their Lordships ought to sanction. It was bad enough, in his opinion, to erect the President of the Board of Agriculture in the place of the landlord with power to turn out tenants. He said nothing about the present holder of that office, who, as their Lordships knew perfectly well, was an excellent landlord, and one who had the utmost sympathy for the farmers; but he asked their Lordships to consider one thing at the very commencement of the debate. Let them not be led away by the assurance of the noble Lord that it was not intended to do this, that, and the other—that he had no idea of doing so and so. He gave the noble Lord every credit for the "best intentions," and would not say a word about the rest of the quotation, but the noble Lord was only the temporary holder of his office; and they could not tell who might succeed him. He would make him a present of the fact that his successor might be a Unionist, but at the same time he might not be a gentleman as well qualified as himself to judge what was the proper way of treating tenants. And with all respect to their Lordships, he would say that they were bound, in passing legislation of this kind, to see that powers were not given to the President of the Board of Agriculture—speaking of him as an abstraction and not as a noble Lord opposite—which it was possible for him to abuse in a way which they would all regret.

Earl CARRINGTON: I should like to say something upon that. It is perfectly true that last year we passed an Act to prevent unreasonable disturbance, and I was asked—I am not certain whether or not by the noble Duke opposite—whether or not it would be consistent with "good estate management" to take a portion of a farm for small holdings, and whether, under those circumstances, it would be right or just that the tenant farmer should be able to get compensation for disturbance. It was agreed to on both sides of the House—I said it myself more than once—that it would be consistent with good estate management to do that; and I believe that was the general consensus of opinion of the House of Lords. This is a different thing altogether. We are working, or we are trying to work, in a perfectly legitimate and straightforward way on the lines of good estate management. We do not want in any way to disturb or unsettle the minds of farmers, and if some very active gentleman should try and do such a thing, when we get a little further on in the Bill it will be seen that the interests of farmers and landlords are protected. After the great compliment the noble Duke was kind enough to pay me, he reminded me that after all I was only a temporary holder of the office. I suppose that is perfectly true, but I must remind him that probably when I am suceeded, I shall be suceeded by a Minister of the Crown, and people who are put into such positions are supposed to be upright and honourable men, and I have not the smallest idea that any successor of mine would ever act in any other way than I should myself, or in the exercise of his office do anything unfair to any person.

Viscount St. ALDWYN said the observations of the noble Earl seemed to him to add strength to the arguments in favour of the Amendment. He quite agreed with the noble Earl that it was a general understanding in the House last year that it would be consistent with good estate management for a landlord to take away part of a large farm in order to establish small holdings; but then that was the very reason why, if such a very indefinite idea was given of what constituted a "demand" as was involved in the word "prospective," that might unsettle the tenants of a whole countryside without any benefit at all. He did not think that point need be dwelt upon at any length, and he hoped they might be allowed to go to a division, and that the Amendment would be carried.

On Question, Amendment agreed to.

Lord HAVERSHAM, in moving the insertion of the words "England and Wales" after the word "Counties," said that this was merely a verbal Amendment, the object of which was to make it clear on the very forefront of the Bill that its operation was limited to England and Wales, and was not to include Scotland, instead of one having to hunt through the whole of the Bill and then finding in the very last clause that it was limited, and did not include Scotland. But there was another reason for moving the Amendment, namely, that the Act with which it was to be construed, the Small Holdings Act, 1892, was not limited to England and Wales, but included Scotland. And as the two Acts—if the present Bill became an Act—were to be construed and read together, he thought it important that that should be made clear in the forefront of the Bill.

Amendment moved—

"In page 1, line 25, after 'Counties' to insert the words 'England and Wales.'"—(*Lord Haversham.*)

EARL CARRINGTON: I have carefully considered this matter, and have taken the best advice, and as it is simply a question of drafting I think I should ask as a favour that the noble Lord would not press his Amendment. It is supposed to be best to provide in the usual way that the Act shall not apply to Scotland or Ireland. As the noble Lord says, that is provided for in the 47th Clause, which is certainly very late in the Bill, and I would ask the noble Lord not to press his Amendment.

LORD HAVERSHAM said that if the noble Lord in charge of the Bill objected, and thought there was any reason against his Amendment, he certainly would not press it.

Amendment, by leave, withdrawn.

THE DUKE OF NORTHUMBERLAND moved to amend that part of Clause 2 which provided that the Commissioners "may employ or co-operate with" authorities, associations and persons, by leaving out the the words "employ or." He said it was not a very large point, but it was one which was not altogether unimportant. As the clause stood, it provided that the Commissioners should confer with the County Councils and "may employ or co-operate with such other authorities, associations and persons as they think best qualified to assist them." Their Lordships would see that the words were large—"authorities, associations, and persons." He did not suppose that any of their Lordships would object to the Commissioners co-operating with anybody they chose, and he could quite well understand that there were associations in the country which might be very usefully used in that way in co-operating with the Commissioners. But it seemed to him that "employ" carried with it payment, and if it was intended that the Commissioners should enter into pecuniary transactions with "authorities, associations and persons," he thought the power was a very dangerous one. It was quite evident that the Commissioners, with all the talents which the noble Lord assured them they would possess, could not know very much about the districts they went to—they would not know whom to trust, and whom not to trust; and they were extremely likely to get into hands which they had better not get into if any pecuniary advantage was in prospect from dealing with them. He hoped the noble Lord would not object to his proposition. It was not a serious Amendment. He could not help thinking that the noble Lord would himself see the disadvantage of putting it in the power of anyone to say that undue motives had been employed in order to induce the views of the Commissioners to take effect; and he thought that any danger of that sort would be most safely removed by leaving out the words "employ or."

Amendment moved—

In page 2, line 3, to leave out the words "employ or."—(*The Duke of Northumberland.*)

EARL CARRINGTON: I agree with the noble Duke that this is not a very serious question. The noble Duke is quite right in saying that the word "employ" carries a money payment; but in this case it really is a very small thing. As the noble Duke said, it would be a great disadvantage to put it into the power of any man to go and offer a bribe and to say, "I will give you so much money if you will push the idea of small holdings." I need hardly say that we have not the smallest intention of doing such a thing as that. But it was felt that it might be necessary to employ certain persons. As the noble Duke said, a Commissioner might be sent down into a district; and, he being a stranger in that district, it might be necessary for him to employ people, for instance, to obtain information as to valuation, or as to the number of small holders in a parish, or to obtain copies of the Poor Rates, or small things of that sort, which might very fairly and reasonably require a small money payment. I think I may perhaps re-assure the noble Duke if I remark that all payments must receive the sanction of the Treasury. Certainly, the Treasury are very hard taskmasters, and they would not sanction the employment of persons save for these very minor and accidental expenses. I am glad the noble Lord does not put much stress on this Amendment, and I hope that under the circumstances he will not feel disposed to press it, but will allow the words "employ or" to stand part of the clause.

THE EARL OF CAMPERDOWN observed that the noble Earl had said that the Board of Agriculture would be obliged to obtain the sanction of the Treasury for any employment, but he did not see that that was provided for in the Bill. Would the noble Earl have any objection to the insertion of the words "and may, with the sanction of the Treasury, employ"? He thought that those words would put a very different complexion upon the clause, and he should propose to insert those words after the present Amendment was disposed of.

THE DUKE OF NORTHUMBERLAND thought that perhaps it might meet the noble Lord's (Earl Carrington's) views if the words "authorities and associations" were left out, or at any rate the word "associations," which he considered the most dangerous. What he feared was that they might have some of the co-operative associations, which were very often excellent institutions, but which competed to a certain extent with one another, and he thought it would be a very bad thing and would get them into many difficulties if one association was employed by the Commissioners, and another was not. If the noble Lord would move some Amendment limiting the effect of the word "employ" to "persons," which was really what he imagined the noble Lord intended, that would meet his point to a great extent.

LORD AMPTHILL suggested that the words should read "and may co-operate with such other authorities and associations, or employ such persons as they may think best qualified to assist them." He thought that would meet the object in view, and it was merely a matter of transposing the word "employ."

LORD FITZMAURICE again called the attention of the Committee to the fact that at this stage of the Bill they were only dealing with the preliminary report and inquiry, and not with the actual issue of either the draft scheme or the final scheme, much less the Order, and that therefore although these words might seem extensive and even alarming at first sight, they were not capable of leading to the dangers indicated by the noble Duke—at least he thought not. It would be well if the noble Duke would bear in mind that the powers given by the sub-section simply related to the preliminary stage, when the Commissioners would be holding a general inquiry in certain districts, and were empowered by these words to co-operate with associations or other bodies which they thought might give them useful information, such for example as a co-operative society—although there were not many co-operative societies in agricultural districts—and if necessary they might employ such persons as they thought fit for carrying out these preliminary inquiries. In regard to what had fallen from the Earl of Camperdown he believed he was right in saying that the financial clauses of the Bill made it perfectly clear that all the expenditure under the Act might be sanctioned by the Treasury, but no doubt if the point required further elucidation it could be very easily gone into and set right at a later stage.

THE CHAIRMAN OF COMMITTEES (The Earl of ONSLOW): I think under the Standing Orders of your Lordships' House, although temporarily occupying the Chair, I may, with the leave of the Committee, address the Committtee from my own place in the House, and I beg to ask the leave of the Committee to say a few words upon this Amendment. I very much hope that the Amendment will be passed, and the reason I say that is that I think there is grave danger in giving authority to the Board of Agriculture to employ "persons" as well as co-operative and other associations in making these inquiries. Your Lordships have struck out the words "prospective demand," but I am not at all sure that when the Bill passes into law those or similar words may not be found to have been re-instated in it, and if so I think a very serious danger will arise, because what I foresee is that when these inquiries are made there will be some person who will say, "If you will only give me a small sum of money I will undertake to go down into such and such a village, and I think I shall be able to find that if there is not an 'actual' there is at any rate a 'prospective' demand for small holdings." I have no objection whatever to the co-operation of the Board of Agriculture with any association or with any person who will give their or his services voluntarily, but I think there is a grave danger in giving authority for the Board to pay money to any person to go and get up an agitation in any particular part of the country in favour of small holdings.

VISCOUNT ST. ALDWYN pointed out that under the provisions of the clause all the expenses incurred by the Commissioners and officers in the execution of their duties under the Act—such amount as might be sanctioned by the Treasury—might be defrayed. That clause would really cover all the kind of payments that the noble Earl alluded to when he addressed the Committee, and to go beyond that, and to add what the Lord Chairman add just objected to would, it seemed to him, be liable to very grave danger, and would very likely result in the Commissioners obtaining very inaccurate information.

On Question, Amendment agreed to.

LORD HAVERSHAM, who had an Amendment to insert "in England or Wales" after the word "parish" said that he did not wish to move it, as it was merely consequential upon the previous Amendment which he had withdrawn. He would, however, move the other Amendment which stood in his name—namely, at line 21 to substitute the word "council" for the word "councils" and to make certain other small verbal alterations. He thought there was some slight mistake in that draft of the Clause, and the Amendment which he had put down would bring the clause exactly into the same terms as in line 6, so that it would run "the council of the county, borough, district or parish concerned." As the Bill stood, it read "councils of the county." He did not know what "councils of the county" could mean. There was but one county council, and he thought that the alterations he suggested would probably be agreed to. Then, again, why was the rural district left out? He thought the Amendment he had put down would make the matter right. He begged to move.

Amendment moved—

"In page 2, line 21, to leave out the word 'councils' and to insert the word 'council,' and to leave out the words 'and of the,' and to leave out the word 'urban.'"—(*Lord Haversham.*)

EARL CARRINGTON: Subsection 4, I think I can assure my noble friend, is correctly drafted. Information may have to be sent to more than one council, so that the plural in that case is correct. That is the answer to that.

LORD HAVERSHAM said that in that case it ought to be the same in the former part.

EARL CARRINGTON: No, only in Subsection 4. If "urban" were omitted, information would have to be sent to the rural district councils, but these councils no longer possess any allotment powers or duties. They are taken away under the Clause 20. That is the reason why the word "urban" is put in. I think the noble Lord will see that the clause is correctly drafted, and I hope that he will not press his Amendment.

LORD HAVERSHAM asked whether the noble Lord meant that the word "councils" would include cases where there were two councils as in Suffolk—two joint councils.

EARL CARRINGTON: Information might have to be sent to one or more councils, and therefore the word is put in the plural in this subsection only.

LORD HAVERSHAM said in that case he was willing to withdraw the Amendment.

Lord FITZMAURICE said there were a great number of geographical counties which were divided into one or more administrative counties, and he thought it would be useful to leave the clause in the way in which it now stood.

Amendment, by leave, withdrawn.

The Marquess of HUNTLY moved an amendment to insert at the end of the clause a new subsection providing for the Commissioners to confer with the county councils as to what, if any, provision was made in elementary and continuation schools in rural districts for instruction in rural industries. He said he might be told that this subsection was rather outside the duties of the Commissioners, but where a body of Commissioners had to confer with county councils and the authorities of the counties as to every matter in connection with the demand for small holdings or allotments, the first thing he would imagine that they ought to take into account was whether there had been any system of education in that county with the object of bringing up the youth of the district to take an interest in, and to fit themselves for, the cultivation of allotments. It was always said, and he had thought it was true, that this was not a country which compared well with other countries as to the number of small holdings. But he thought probably many of their Lordships would have read a very interesting paper by Colonel Craigie, late an officer of the Board of Agriculture, in which he showed conclusively that that was a great mistake, and that England was very largely composed of small holdings, and compared in that respect favourably with most countries on the Continent. The experience of those who had knowledge of small holdings was that most of them were tenanted by people who were carrying on a struggling existence, mainly from their ignorance of the elements and foundations of the science of agriculture. He thought any noble Lord who had an estate would say that that was his experience. The result of that had been that from the time of the passing of the Education Act, for twenty-five years in the rural schools no interest whatever was taken in agriculture, and in the teaching of agriculture or in what he would call rural instruction. As he had said the other night, happily a new era had dawned at the Board of Education, and now these subjects were taught. It surely was of the greatest importance that the Commissioners should be able to inquire of the county authority as to what steps were being taken to educate the youth of the county in these subjects, and he hoped noble Lords might see that it was not outside the duty of the Commissioners to accept the responsibility of making a report on this subject to the Board. In the case of the Scottish Bill, which was in a state of suspended animation, the duties which in that Bill were put upon the Commissioners were to be of a very much larger scope than those proposed to be given under the present Bill. In the Scottish Bill they were charged with the general duty of promoting the interests of agriculture and of rural industries, the preparation of statistics relating to those subjects, and other matters, and he thought that if the Government considered it necessary in Scotland to put these duties upon the Commissioners, he was not asking too much in asking that under this sub-section the same power should be given in regard to England.

Amendment moved—

"In page 2, line 22, after 'concerned' to insert the following new sub-section: '(5) In the course of their inquiries under this section in the several counties the Commissioners shall take steps to ascertain whether any, and, if so, what provision is made in elementary and continuation schools in rural districts for instruction in rural industries, and for this purpose the Commissioners shall confer with the county councils and they shall report to the Board the information acquired by them respecting any county." (*Marquess of Huntly.*)

Lord BELPER said he was entirely in sympathy with the noble Marquess in his wish to give rural teaching in elementary schools, but he thought there were practical difficulties in endeavouring to do it in this way. In his own county they were already doing a good deal——

The CHAIRMAN of COMMITTEES: I am very sorry to interrupt the noble Lord, but I was on the point of interrupting the noble Lord who preceded him. I would call your Lordships' attention to the fact that the Bill is a Bill for the provision of small holdings, so that I think the question of education scarcely comes within its provision. No doubt a very interesting discussion might arise upon it, but I do not know what view other noble Lords may take. I think it is very doubtful whether the matter could advantageously be discussed now.

LORD BELPER said he did not know whether the Amendment would be withdrawn for the reasons mentioned by the Lord Chairman. But at all events he wished to point out that the Commissioners would be brought into contact with committees of small holdings and those committees would know nothing about rural education.

EARL CARRINGTON: I quite agree that this is somewhat outside the duties of the Commissioner. We should be very glad to do all we could to promote agricultural education, yet I quite agree with the Lord Chairman that this is going a little outside the four corners of the Bill. Allusion was made to the Scottish Bill. I hope I may be forgiven if during the debate to-night I stick wholly and entirely to the English Bill which is before the House. I may point out that if Lord Huntly's wishes were carried out, the Commissioners and the school inspectors would, of course, overlap to a certain extent and that would cause confusion and perhaps even friction. Besides that, any information that was obtained by the Commissioners would fall upon the Board of Agriculture. I hope the noble Lord will not press the Amendment.

Amendment, by leave, withdrawn.

Clause 2, as amended, agreed to.

Clause 3:—

* LORD BARNARD moved to omit the words "modifications or" from the prescribed procedure under which the Board would forward the report of the Commissioners to the county councils. He pointed out that the clause prescribed that the Board "shall forward the Commissioners' report to the county council." If they gave the Board power to introduce modifications into that report, no man could tell—the county council would not be able to tell—how far it was or was not the report of the Commissioners. He thought it would be far better that the report should be forwarded intact as it came from the Commissioners. That would still leave the Board power under the clause, as it was drawn, to add to the report any observations they might think proper for the information of the county council.

Amendment moved—

In page 2, line 27, to leave out "modifications or."—(*Lord Barnard.*)

EARL CARRINGTON: The Board, after all, is responsible for the report, and it would be impossible for them to be tied down to the exact words of the Commissioners. I may again take this opportunity of saying that I consider these Commissioners to be under the Board and that they are not in any way to dictate anything to the Board. They will send their reports to the Board, and when a report is sent to the county council that report must be a report that the Board of Agriculture can approve of. I must have a perfectly free hand to amend anything that I may not happen to agree with. I hope Lord Barnard will be satisfied with that, and will not press his Amendment.

VISCOUNT ST. ALDWYN thought the objection of the noble Earl was a fair one. He did not wish to give the Commissioners any authority apart from the Board of Agriculture which would seem to give them a *quasi* independence.

Amendment, by leave, withdrawn.

THE EARL OF CAMPERDOWN moved the omission of the words in the first subsection which required the county council, on receipt of the modified report, to prepare a scheme, in order to insert:—"and shall take into consideration any observation of the county council thereon and also any alternative proposals which may be made by the council, after which the Board shall forward to the council a statement of their final decision, and it shall be the duty of the council to give effect to such decision." He said that in order to explain his Amendment it was necessary to look at the procedure proposed under the clause. The clause provided that: "The Board after considering the report" . . . . . "shall forward the report of the Commissioners to the county council, and it shall be the duty of the county council to prepare one or more draft schemes to give effect to the report" and so on. Under the clause as it stood, therefore, all that the Board had to do was to forward the report as finally approved, and the county council, as the clause stood, had no right whatever to make any observations or anything of that kind, but were obliged to prepare a draft scheme to carry out that report. He thought that was hardly courteous to the county councils, and he doubted whether it was his noble friend's intention. He therefore proposed to move the Amendment, the object of which was to enable the county council to make observations, and he hoped the noble Lord would think that that Amendment rather improved the procedure under the clause.

Amendment moved—

"In page 2, line 28, to leave out from 'council' to the end of subsection (1), and insert "and shall take into consideration any observations of the county council thereon and also any alternative proposals which may be made by the council, after which the Board shall forward to the council a statement of their final decision, and it shall be the duty of the council to give effect to such decision."—(*The Earl of Camperdown*).

EARL CARRINGTON: I understood the noble Earl to say that the county council cannot make observations.

THE EARL OF CAMPERDOWN: As the clause stands.

EARL CARRINGTON: I can assure the noble Lord that the last thing in the world we want to do is to show any want of courtesy whatever to the county councils. We are perfectly aware that if the Bill is to be the success which we hope it will be, we must have the co-operation of the county councils, and we hope and believe that they will meet us in a generous and in a proper spirit. But I must point out to the noble Earl that the Commissioners will of course have consulted with the county council under the first section, subsection (2), before making their report, and any observations or alternative proposals that the county council might choose to make to the Board would receive the most earnest and the most courteous consideration. But Lord Camperdown's Amendment would, I am afraid, do the very thing which he wishes to avoid, namely, cause delay and complexity—and as it does not seem absolutely necessary, I hope, in the interests of the Bill that the noble Lord will not press it.

VISCOUNT ST. ALDWYN said that as the Bill now stood it provided that when the report of the Commissioners, with such modifications or observations if any) as the Board thought desirable had been received by the county council "it shall be the duty of the county council to prepare one or more draft schemes to give effect to the report with such modifications (if any) as aforesaid." They were bound absolutely by the words of the clause to the report of the Commissioners, with any modifications inserted by the Board of Agriculture, in preparing their scheme. The noble Lord objected to delay, and wanted to co-operate with the county council. Would it not be very much better that if the county council did not quite like the report or the modifications suggested by the Board, they should be able to vary their scheme in some form or other from the report and its modification? It would be much more agreeable to them and he believed also it would be a much more satisfactory conclusion to arrive at. Even if the noble Lord could not accept Lord Camperdown's Amendment—which he would be very glad to support—he would suggest that some such words might be inserted as "or as they may think desirable," so as to give the county councils some power to vary their own schemes in accordance with their own views.

EARL CARRINGTON: Is it not safeguarded in the Bill? The county council are to undertake this duty within six months after receiving the report, or within such extended time as may be allowed by the Board. There is no wish to override the councils; they have got six months.

VISCOUNT ST. ALDWYN feared he had not explained himself sufficiently. As the words now stood, the county council were bound by any modifications in the preparation of their scheme. They could not vary, or go beyond, or diminish, or do anything of their own free will. Surely it would tend to agreement between the parties—the Board of Agriculture and the county council—that there should be such power, and the county council would be much more likely to act rapidly under those circumstances.

LORD FITZMAURICE pointed out that there was an Amendment later on to add certain words which would go very far in the direction proposed. He wished especially to call the attention of the noble Viscount to the fact that not only had the county council been taken into conference by the Commissioners at the time of the inquiry and report, but that the county council came in again under Section 4 (2) where all the provisions were set out for having a draft scheme and if necessary a public inquiry after advertisement, according to the same procedure as existed in other matters with which the noble Viscount was quite familiar, such as proceedings before the Charity Commissioners, the Enclosures Commissioners, and the Endowed Schools Commissioners.

LORD BELPER said it was not very convenient to have to discuss under the present Amendment an Amendment which was coming up later. The noble Lord had referred to an Amendment of the noble Earl in charge of the Bill to the effect that "a county council if they think fit may without receiving any such report as aforesaid prepare one or more draft schemes for the provision of small holdings in their county." As he understood, that Amendment was to enable the county council, *propria motu*, without any consideration or report, to prepare a draft scheme themselves quite independently of the Commissioners. It seemed to him, therefore, that some such words as those proposed by Lord Camperdown were absolutely necessary if Lord Carrington's Amendment was to be passed, for the reason that there would be possibly two schemes on the *tapis*—the scheme suggested by the Commissioners and the scheme suggested on its own initiative by the county council. It seemed absolutely necessary to put in, therefore, some words not only allowing the county council to put their observations before the Board, but also any alternative proposals which they might make, and that they should be considered by the Board with the other scheme. If that were not done the scheme of the county council, if it touched upon the same ground, might be a better proposal than the one put forward by the Commissioners, and there might be considerable difficulty in arriving at the best solution of the question. He was afraid it was a little irregular to him to discuss a clause which was not reached, but as he concluded that Lord Carrington's suggested clause was sure to be accepted, he thought it rather important that they should consider it, and also consider what relation it would have on the clause now before their Lordships.

EARL CARRINGTON: I am informed there is a Royal Commission at half-past seven, and I beg to move that the House do now resume.

House resumed.

COMMISSION.

The following Bills received the Royal Assent:—

1. Consolidated Fund (Appropriation).
2. Released Persons (Poor Law Relief).
3. Salmon and Freshwater Fisheries.
4. Petty Sessions Clerks (Ireland).
5. Evidence (Colonial Statutes).
6. Married Women's Property.
7. Probation of Offenders (No. 2).
8. Prisons (Ireland).
9. Butter and Margarine.
10. Post Office Sites.
11. Paisley Corporation Order Confirmation.
12. Leith Burgh Order Confirmation.
13. Aberdeen Corporation Electricity.
14. National Trust for Places of Historic Interest or Natural Beauty.
15. Llandrindod Wells Gas.
16. London County Council (Money).
17. Neath, Pontardawe, and Brynaman Railway.
18. City of London (Union of Parishes).
19. Swansea Harbour.
20. Oxford and District Tramways.
21. Renfrewshire Upper District (Eastwood and Mearns) Water.
22. London County Council (Tramways and Improvements).
23. Colne Valley Water.
24. Glasgow Corporation.
25. North Staffordshire Railway.
26. Armagh Urban District Council.

SMALL HOLDINGS AND ALLOTMENTS BILL.

House again in Committee.

Clause 3:—

Amendment of the Earl of Camperdown proceeded with.

EARL CARRINGTON: The difficulty we felt was that we could hardly accept an Amendment which would lengthen the time—already very long—which must elapse between the inquiry by the Commissioners and the actual provision of small holdings. But I have a proposal to make to the noble Earl opposite. I am very anxious to meet his views if possible, and I propose in Clause 3, page 2, line 30, after the word "aforesaid" to insert "subject to such further modifications as the Board may make after considering any representations submitted to them by the county council." I do not know whether that would meet the noble Earl; but I am very glad to make that proposal.

EARL CAMPERDOWN said that he was not quite sure that he had been able to follow the effect of the words. He felt that his noble friend and himself had the same object in view—they both wanted to get the county councils to co-operate, and they both wanted to be courteous to the county councils, but their methods of doing this differed. Tho noble Earl, as the clause stood, proposed to give them a report, and to say, "It is to be your duty to prepare a draft scheme to give effect to this report," and, as Lord Fitzmaurice had said, "if you subsequently object to this after you have drafted it, then you will have an opportunity of raising objections to it." His own plan was a different one. It was that when they had received the report of the Commissioners they sent the report to the county council and said, "Have you any observations to make upon it? If so, make them now, and make them before you draft your scheme." It seemed to him that that was a more civil way, and moreover, by adopting that course they would rather gain time than lose it, because, if they subsequently objected, there would be a local inquiry, and a great deal of time would be lost. But, as he understood, his noble friend to a certain extent met that, and as he did not wish to occupy the time of the House unnecessarily, he was perfectly willing to withdraw his Amendment at the present stage and to accept the noble Lord's suggestion, subject, of course, to reserving his right, when he saw the Amendment in print, to call attention to the matter again on the Report stage.

LORD FITZMAURICE said that that arrangement was one which he hoped would meet with the concurrence of noble Lords opposite, and he thought his noble friend would see that if there was some little loss of time at the one end by accepting the modified edition of his Amendment, they would save time at the other end, and therefore, on the whole, the Government's great object would have been gained. What they were afraid was, as his noble friend and he had both pointed out, that the time, which was rather long as it was, would have been further prolonged; and they were rather jealous of doing anything of that kind, because they had been exposed to the criticisms, as no doubt the noble Lord himself was aware, that their machinery was too carefully guarded and too cumbrous. Noble Lords opposite were looking at these things from one point of view, and other critics were looking at them from another, and what the Government had to do was to try and satisfy both sets of critics, which was a rather difficult task.

VISCOUNT ST. ALDWYN thought the words proposed would meet the views of his noble friend; and, at any rate, they might be inserted in the Bill now, subject to consideration on Report.

Amendment, by leave, withdrawn.

Amendment moved—

"In page 2, line 30, after 'aforesaid' to insert 'or subject to such further modifications as the Board may make after considering any representations submitted to them by the County Council.'"—(*Earl Carrington.*)

On Question, Amendment agreed to.

Drafting Amendment agreed to.

EARL CARRINGTON: I have now to move after the word "schemes" in sub-section (2) to insert the following new sub-section:

"(3.) A county council if they think fit may, without recognising any such report as aforesaid, prepare one or more draft schemes for the provision of small holdings in their county."

The object of that is that we think the county council ought to be able to prepare a scheme, without waiting for the report of the Commissioners. But a scheme of course must be prepared, otherwise the Board of Agriculture could not pay any of the loss, should there be any. You will find that under Clause 5, Subsection (3). Of course all schemes will require confirmation by the Board of Agriculture under Clause 4, and the provisions of Clause 4 will apply to such schemes. I think there was a complaint that this had been put down rather late; but I do not think we can be blamed for that, because it was only put down to enable the county council to prepare a scheme themselves, and thereby bring themselves within Clause 5. But there always has been power, and there is power now, to provide a small holding without any scheme at all. This clause, as I said, was not originally in the Bill, because Clause 5, Sub-section (2), was put in in Grand Committee in the House of Commons. It was in no way meant from any discourteous motives, and it was only put in so late for that reason.

Amendment moved—

"In page 2, line 38, after 'schemes' to insert the following new sub-section; (3) A county council, if they think fit may, without receiving any such report as aforesaid, prepare one or more draft schemes for the provision of small holdings in their county."—(*Earl Carrington.*)

LORD BELPER said that he quite absolved the noble Earl from any improper motives in putting down the clause so late. He must really congratulate the Government that at the eleventh hour, after the Bill had been through all its stages in the other House, they had at last given effect in the Bill to what were said to be the proposals of the Bill—that the county council should have the initiative administrative power for the purpose of forming schemes for small holdings. He would only say that the reason why this had been left out was in consequence of the way in which the Government had deliberately drafted the first clauses of the Bill. There were three clauses in the Bill dealing with all the powers of the Commissioners, beginning with the inquiries, coming down to their decisions, and ultimately coming down to calling upon the county council; then the over-riding of the county council, and then the Board of Agriculture directing the Commissioners to form a scheme themselves; and then at the fag end of this clause, was a sort of casual remark which the Government inserted to the effect that the county council might themselves, if they thought fit, of their own initiative produce a scheme. He would have thought that if the Government had wished to carry out what he believed were the intentions of a great number of the Members of the Government—to treat the county councils in a conciliatory manner and induce them to work cordially with the Commissioners—the framework of the Bill would have been that the county councils would have been put in the fore-front of it as the people who were in the first instance to produce a scheme. Then it could very easily have been said that if the county councils either neglected their duty or if the scheme they proposed was not such as the Commissioners, after inquiry, considered sufficient, the Commissioners could step in with a scheme of their own, the matter could be discussed between the county councils and the Commissioners; and in the last resort the Board of Agriculture could direct the Commissioners to over-ride the county councils in case they refused to give way. Instead of that, the position was that they had three clauses dealing with the Commissioners. The noble Earl himself, on the Second Reading of the Bill, had said that one of the objects of the Bill was to put pressure upon the county council, but he added with reason—at least, with reason from his own point of view, but not according to the Bill—"in case the county councils refused to do their duty." But in those clauses as they stood, the county councils were never given an opportunity of saying whether they would do their duty or not. The Government produced their clause which went through the whole procedure to be followed by the Commissioners; and the county council had not a chance, until they were ordered to make a scheme on certain lines, of even suggesting that they might make a scheme at all, and it was only at this late hour, and in this casual way, that the Government recognised the county council. They said at last what they ought to have said in the first instance, that the county council, who were the real, major, principal administrative power under the Bill, should be directed under the Bill first to make their schemes. He only wished that all the nice things that had been said about county councils by his two noble friends on the Front Bench, and by Mr. Harcourt in the other House, had found some little expression in the Bill. But it was quite clear that the Bill had been drafted in a totally different spirit in the first instance, and if the county councils were at all suspicious of the action of the Commissioners, His Majesty's Government had only themselves to thank. As he had said, they cordially accepted, even at that late hour, even the small modicum which had been given them, but he regretted very much that the Bill had now reached a stage at which it was impossible to re-draft it in the manner which he suggested it would have been so easy to have drafted it in the first place.

THE DUKE OF NORTHUMBERLAND said that he was not sure that he quite understood the situation even now. The county councils, in the present state of the law, had power to make arrangements for the provision of small holdings; and he understood from what the noble Lord had said just now that the object of putting this clause into the Bill was to enable them to get compensation from the Government in case of the small holdings not paying. He would ask the noble Earl whether he was right in that supposition.

EARL CARRINGTON: Quite right.

THE DUKE OF NORTHUMBERLAND said that in that case it seemed to him that no county council would in future put its present powers into operation, but would always adopt this much more laborious, much slower, and much more difficult course, because by so doing they would guard themselves against loss. He did not think that was a very businesslike proceeding, or that it was the way to promote the easy increase of small holdings. In effect, although not of course in form, this clause repealed, for all practical purposes, the present powers of the county councils with regard to small holdings, and necessitated a slower method of procedure. He supposed the Government offices were very anxious for work. He had always thought that most Government offices were rather glad to have what they called devolution, but the present proposal seemed to him to be centralisation with a vengeance. Everything was to be done by the central office in the future, and nothing by the localities.

On Question, Amendment agreed to.

VISCOUNT ST. ALDWYN, who had an Amendment on the Paper to substitute the word "parishes" for the word "localities," said he did not wish to press this Amendment, but what he really wanted was to extract some information from the noble Earl as to what "localities" meant. A scheme might specify the various things that were put down under the headings (a), (b), (c), and (d). There was no provision that it should specify anything, and he supposed it might be necessary to leave that somewhat vague; but, if it specified anything, he assumed it would specify what was put under the heading (b)—the approximate quantity of land to be acquired and the number, the nature, and size of the small holdings to be provided in each locality. "Locality" could not mean "county"; and surely it must mean some limited area. It might mean parish, district, hundred, or anything else; but it would be very much better if it were possible that the area should be defined in such a way as to make it perfectly clear that what the Commissioners meant, what the county council meant, and what the Board meant, was to institute small holdings in a certain particular area, and that the rest of the county should not be left in any uncertainty with regard to the area in which the scheme was to operate. If there was to be a scheme, there must be to some extent a definite area; and he would move the Amendment with a view to eliciting some explanation from the noble Lord.

Amendment moved—

"In page 2, line 40, to leave out the word 'localities' and insert the word 'parishes.'"—(*Viscount St. Aldwyn.*)

EARL CARRINGTON: I will do the best I can to explain it. I think "localities" would mean a sort of district or group of parishes. It is a sort of drafting word. It is very difficult to get the exact, proper, right word, I admit; but what we have to do is to get a word which expresses as nearly as possible a group of parishes or a large tract of land where this might be carried out. I think the noble Viscount will agree with me that it would be rather difficult to insert the word "parishes"; it might possibly be a better word, but there might be some difficulty about it, because you might be led into difficulties as regards the parish councils themselves. Would there not be the difficulty that they might perhaps ask to have a copy of the scheme sent to them, or power to hold an inquiry? They might make difficulties, and that is what we have to guard against; and therefore the word "locality" was put in, meaning a group of parishes, an undefined, large portion of land.

VISCOUNT ST. ALDWYN said that he would make a suggestion to the noble Earl. Might he not accept "parish" or "number of parishes?" That, at any rate, would be definite, and would not give any particular reason for any particular parish having anything to say in the matter.

LORD FITZMAURICE said that both he and his noble friend Earl Carrington felt that there was a great deal in what had fallen from the noble Viscount. The only reason why the word "localities" had been used was that it was deemed desirable to make the scheme as wide as possible at this stage, before it came to the point of actually taking up definite lands, which came when the scheme was set in motion with the Lands Clauses, and all the other clauses of the consolidation Acts, incorporated. At the present stage they had not quite reached that point, and as he had pointed out earlier in the discussion, all the different stages, and the action to be taken at each of them, had to be very carefully considered. He quite admitted that in proportion as they got nearer to the actual Order and final scheme precision of language became more and more important, and he thought that when they reached the later clause which dealt with the actual final scheme and with the Order, it would be found that the language was perfectly precise. At the same time he quite felt that those who were familiar with the operations of local government knew that parishes and groups of parishes were areas which were perfectly well known, and his noble friend permitted him to say that between then and the Report stage they would go into the matter again, and see whether it was necessary to use more precise words.

THE EARL OF CAMPERDOWN said that as he understood, the noble Lord's contention was that at this stage it was not desirable to define exactly what was meant. Perhaps the noble Lord would point out the clause he had been referring to as occurring later in the Bill, in which there was a definite statement.

LORD FITZMAURICE said that Clauses 4 and 5, especially Clause 5, dealt with the Order and final scheme, and when they reached those stages there would be a notice to treat under the Lands Clauses Act: and then of course particular lands and particular parishes would be set out.

VISCOUNT ST. ALDWYN wished the noble Lord to understand that he did not in the least desire so to define the area as to raise the price of the land before the Order came into force. He was quite willing to withdraw the Amendment now on the understanding that the subject would be considered, and something more definite put in on the Report stage.

Amendment, by leave, withdrawn.

THE EARL OF PLYMOUTH, who had an Amendment on the Paper to leave out the words "or other similar rights" in the subsection requiring a draft scheme to specify whether and to what extent grazing or other similar rights should be attached to the small holdings, said that the reason he had put down this Amendment was really for the purpose of asking for an explanation of the meaning of the words "or other similar rights." He quite understood the desirability of attaching grazing rights to small holdings, but he could not see what was meant by "other similar rights," and he thought the noble Lord in charge of the Bill might explain what those words really included, and what they were really meant to cover.

EARL CARRINGTON: I have a very difficult task before me again, because I have to explain really what the English language means, and that is not a very easy thing to do. The noble Earl wishes to know why the words "or other similar rights" are put into this clause. I am told on the highest authority that "grazing rights" is a term which is not quite capable of exact definition. It is one of those English terms, I suppose, which is not very easily explained, and so, in order to protect ourselves as much as we can, we have tried to make the word a little more elastic, and have put in "or other similar rights." I am informed on high authority that that is the best way of explaining that phrase, which is not quite easy to understand, but, perhaps, these "similar rights" may include the cutting of bracken or fern for fodder, or similar commonable rights that could thus be protected. I am afraid I am in the hands of the noble Lord. I have not invented the English language, and therefore I am not responsible for it, but I hope he will see that there is no sinister motive at all in this, and that he will allow the words to stand in the Bill as those best qualified to judge think they would be really the best way out of the business so far as to ensure fairness to all parties.

*THE EARL OF DARTMOUTH said it seemed to him that his noble friend, because he did not understand one element in the Bill, introduced other words even less easy to understand. What they on that side of the House—speaking for himself, at any rate—objected to was that there was so much elasticity in the Bill, and they wanted it a little more clearly defined, if it was possible to do it.

LORD FITZMAURICE said he spoke, no doubt, in the presence of noble Lords on the other side who were acquainted with the principles of legal interpretation far better than himself, but it appeared to him that it was simply a matter of ordinary legal construction of the words, "or other similar rights." Those words would have to be construed in accordance with the well-known legal principle of *ejusdem generis.* That was to say, if there were certain words in an Act of Parliament of a particular description, followed by other words of a slightly more general character, they had to interpret the later phrase so as not to go beyond the general spirit of the earlier words, which were rather more precise. That was what was known as the principle of interpretation well known to lawyers as *ejusdem generis*, and he thought the interpretation of the words as to which they were being pressed, although they might not be capable of exact definition, would come under that principle. It had been asked what the particular rights in question were. In the olden days those who had considerable rights in the country—those who had grazing rights—also had rights of "pannage"—of turning out a pig at certain seasons of the year. That was rather a common right in the New Forest, in the southern part of his own county, and that was, he was informed, precisely the kind of right which in certain districts would be attached to holdings of this kind. For example, in the debate on the Second Reading, the Lord Nelson had alluded to the small holdings which he himself had established on the borders of the New Forest. One of the reasons why small holders had survived in that part of the country was that they had on the edge of the New Forest the right of turning out pigs at a certain season of the year. That was the sort of thing that he thought was meant by these words, and he really could not see how—with every desire to meet the wishes of noble Lords opposite for more accurate definition—they could possibly use better terms than were used, because he thought that upon the principle he had quoted, those words were words which the Courts of law would have no difficulty in interpreting.

EARL CAWDOR said they did not appear to be getting much nearer to any definition as to what the words really meant. The noble Lord in charge of the Bill had told them there was great difficulty in knowing what "grazing rights" meant. He thought they had better find out what "grazing rights" meant before inserting the words in the Bill. The noble Earl, in order to get over his trouble in not knowing the meaning of these words, was inserting other words the meaning of which neither himself nor the other noble Lord had any idea of. That was to say, he was curing one doubt by inserting some other words which no one could interpret.

Surely it could not be right that they should put in more words which no one was able to explain, and he certainly thought they should limit themselves to the unknown words they had already got, and not put in others which were even more vague.

EARL BEAUCHAMP said the noble Lord had made out an admirable case, but he was afraid that he had forgotten the Small Holdings Act of 1892, in Section 14 of which the following words occurred—

> "Where any right of grazing, sheepwalk, or other similar right is attached to land acquired by a county council for the purposes of small holdings, the council may attach any share of the right to any small holding in such manner and subject to such regulations as they think expedient."

Therefore their Lordships would see that in drafting this clause the example of 1892 was followed.

EARL CAWDOR said that might be so, but they had had the interpretation of that Act now from the noble Earl opposite, and the noble Earl opposite had told them that since 1892 they had not been able to find out the meaning of these words, and if, with all the enlightenment the noble Earl was able to obtain from his Department, he could not properly interpret the meaning of "grazing rights," he thought it was distinctly better not to add further and still vaguer words, and thus keep the admitted ambiguity on as small a scale as possible.

LORD FITZMAURICE asked whether they were to infer that the noble Earl was able, from his own knowledge, to state that there had ever been any difficulty in the Courts in the interpretation of the words in question.

EARL CAWDOR said that he was only quoting the noble Earl who had the conduct of the Bill, and who had said that it was not known what was the meaning of "grazing rights."

LORD FITZMAURICE said that that was not what the noble Earl (Earl Cawdor) had said before. When he said that there had been a difficulty in the interpretation, did he mean that the matter had been brought into a Court of law, and that there had been a difficulty on the part of the Judges in placing an interpretation upon the words? Every now and then some word of a rather general character was introduced into an Act of Parliament—like the famous word "place," which had given rise to an action which he believed had ultimately come to their Lordships' House as a Court of Appeal. If the noble Earl knew of any difficulty of this kind let him say so; but why did he imagine difficulties which had not arisen, and which, according to the view of the Government, were not likely to arise?

VISCOUNT ST. ALDWYN said that what was important in the matter was that those affected by the scheme should know definitely what scheme was proposed, and that afterwards, assuming the scheme to be carried into operation by the order of the Board of Agriculture, whatever "similar rights" might mean should be properly paid for by the council or by the Board of Agriculture upon taking the land. He thought that if they were to insert "grazing or other similar rights defined in the scheme," then at any rate those framing the scheme would have to say what they meant. He thought that the noble Earl might surely agree to something of that kind.

LORD FITZMAURICE said that as he understood it the suggestion of the noble Viscount was that the words should be "similar rights to be defined in the scheme." Well, of course it was assumed that they would be defined in the scheme.

VISCOUNT ST. ALDWYN: I move that the words "to be defined in the scheme" be added after the words "or other similar rights."

Amendment moved—

> "In page 3, line 5, after the words 'or other similar rights,' to insert the words 'to be defined in the scheme.'"—(*Viscount St. Aldwyn.*)

On Question, Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4:—

THE EARL OF CAMPERDOWN, in moving an Amendment providing that the time when which notice of objection to a scheme could be given should be not less than thirty days after publication and advertisement of such scheme, said that if their Lordships would look at the clause they would see that the draft scheme was to be "published and advertised together with notice of the time within and manner in which objections are to be sent to the Board." The Amendment which he was about to move was to insert "being not less than thirty days after such publication and advertisement." Those words were intended to say that at all events the notice should be not less than thirty days, which he thought was a reasonable notice, and he hoped his noble friend might be able to accept it.

Amendment moved—

"In page 3, line 24, after the word 'Board' to insert the words 'being not less than thirty days after such publication and advertisement.'"—(*The Earl of Camperdown.*)

EARL CARRINGTON: I am afraid I cannot accept that for this reason—that if there is anything wrong, and people want to object, they would hardly be a month doing it. After all, it must be left to the discretion of the Board to fix the time within which the objection must be made; we must be given a little discretion in the matter, and there is not very much fear, I think, that the Board of Agriculture wants now, or ever will want, to act very harshly. It is not a very serious Amendment, I will admit, but it certainly does not show any very great trust or confidence in the Board of Agriculture, and on balance I think I must ask the House not to press the Amendment.

Amendment, by leave, withdrawn.

LORD BELPER moved to add to the first sub-section:—"Provided that where a draft scheme is prepared by the Commissioners it shall not be published or advertised until any county council concerned has had an opportunity of stating any objections thereto to the Board, and until such objections have been considered by the Board." He said the Amendment was for the purpose of providing that before the scheme was actually advertised and made public, an opportunity must be given to the county council to object, and for a public inquiry to be held, so that it might be ensured that the scheme was not published or advertised until the county council concerned had had an opportunity of stating any objections which they had to it, and until such objections had been considered by the Board of Agriculture itself. In a discussion with Mr. Harcourt this had been suggested by the county councils as an Amendment, and the County Councils Association had expressed then, as he wished to express now, that it was brought forward entirely in the interests of a conciliatory and practical arrangement being come to between the Commissioners and the county council. What they wished to avoid was county councils being placed in a position of public hostility to the scheme advanced until after they had had their objections fully stated and considered by the Board of Agriculture. He thought it would be found that so far from delaying any scheme, it would be likely to avoid a public inquiry at which the county council would have to appear in opposition to the scheme, and that, by discussion with the Board of Agriculture over the table, with the Commissioners present if necessary, an arrangement might at all events in some cases be arrived at which would avoid a public inquiry, which was the next process under the scheme. When they approached Mr. Harcourt about the matter he told them that the procedure which they desired was practically provided for in the Bill. But he had studied the Bill very carefully since then, and it was quite clear that it was not practically provided for in the Bill, and the county councils wished—and he presumed the Government would not object—to make it perfectly clear that the Board of Agriculture should give an opportunity for the county councils to state their objections, and to have those objections considered before the public inquiry was held. He begged to move the Amendment.

Amendment moved—

"In page 3, line 28, after the word 'publicity,' to insert the words 'provided that where a draft scheme is prepared by the Commissioners it shall not be published or advertised until any county council concerned has had an opportunity of stating any objections thereto to the Board, and until such objections have been considered by the Board.'"—(*Lord Belper.*)

EARL CARRINGTON: I can assure the noble Lord that we are the last people who want to add to any public hostility to any scheme. As I understand it, the noble Lord thinks that if we give way on this point it will make public inquiries less frequent—that it would facilitate matters at that stage. It seems to me, however, that the noble Lord rather wishes to introduce a fresh and unnecessary stage. We did what we could to facilitate matters a little while ago, and I must point out that the county councils have already had six months in which to place their views before the Board, and it seems to me that the Amendment would undoubtedly complicate and delay proceedings, and not really have the effect that the noble Lord thinks it would have. I am sorry to disagree with the noble Lord, but I am afraid I cannot give way upon this, and I must ask the noble Lord if he can see his way not to press the Amendment.

LORD BELPER said he really had not heard any argument against his Amendment. He understood that Mr. Harcourt approved of it. The right hon. Gentleman told them that it was already provided for in the Bill, but having carefully looked through the Bill he had found that it was not provided for, and that was the only reason that he had moved the Amendment. The noble Lord seemed to be surprised that he should consider that a private conference might expedite matters by doing away with a public inquiry at which the county council might appear in hostility to the scheme; but it seemed to him only common-sense to have a supposition of that sort, because in talking matters over round a table one was often able to settle matters satisfactorily and to avoid what must be disagreeable to a county council and also disagreeable to the Commissioners — a public discussion over a point which might have been settled privately. Unless some further reasons were given for refusing the Amendment—which he had understood was looked upon favourably by the right hon. Gentleman in charge of the Bill in the other House—he could not withdraw it, at all events unless some arguments were produced against it, which at present had not been done.

LORD FITZMAURICE thought there was less difference of opinion between the two sides of the House on this question than his noble friend seemed to think, and he was sure he would hardly need his assurance that any proposal of this kind moved by him—especially when he was moving, as at present, on behalf of the County Councils Association—would be received by his noble friend with the greatest respect. He would just like to ask his noble friend to look at his own words. His argument was —and it was one which he fully understood and appreciated—that it would be better to have a communication at this stage between the county council and the Board than to have that communication, as it were, at a rather later stage, when it might assume, at a public inquiry, a more litigious and therefore a more disagreeable shape than if it were to take place in the manner which was rather vaguely sketched by his noble friend in the words of his Amendment. His noble friend had said that prior to the publication of the draft scheme the county council was to have an opportunity of stating any objection thereto. How did the Local Government Board or the Board of Agriculture or any other public body ascertain whether a particular local authority or the public generally objected or did not object to some particular scheme? What was the manner in which they gave an opportunity for the stating of objections? It was by a public inquiry, and therefore in reality all that his noble friend was doing was to propose—in rather vague and ill-defined language—at a slightly earlier stage what His Majesty's Government proposed, in more precise language, at the stage immediately following. The Government thought their own machinery was better, simpler, and more precise than that suggested by his noble friend. But that was not at all the same thing as saying that there were no arguments for the proposal of his noble friend, because the Government quite appreciated the objects he had in view, although they thought they had obtained them by the next sub-section, and obtained them in a better manner. All that would arise if those words were inserted on the top of the Government proposal in the next sub-section was that a very considerable amount of time would be lost in rather vague communications, possibly by letters passing between the clerk of the council and the Secretary to the Local Government Board, and thus taking up a great deal of time—he would not say wasting time, but taking up a great deal of time in correspondence. Therefore it was very much better to adhere to the Government's proposal, and he was very anxious at this stage to press upon noble Lords opposite that the Government had already been exposed to criticism for having so guarded the machinery which they were bringing into operation for the creation of small holdings as that the machinery might prove so cumbrous as almost to render nugatory the objects in view. A member of the House of Commons, he was informed, had made a time-table by which he had shown that if everybody were to use all the different remedies which were given in the Bill to different parties to guard their interests against any kind of illegitimate interference or confiscation, it would take a period of at least two years from first to last under this machinery to create a small holding. It was unnecessary to assume that that time-table was quite correct; but even assuming that the period was only eighteen months, then the Amendment of his noble friend would add on still further stages and give still further opportunities for correspondence. All he could say was that if they sent back these clauses—possibly in a perfectly legitimate and reasonable shape—to the other House they would be so encrusted with securities and protections in addition to those which they already contained that they ran the risk of exposing themselves to a totally different class of criticism from that of noble Lords opposite, but one which would nevertheless be fatal to the Bill.

Lord BELPER apologised for being persistent, but he did not think Lord Fitzmaurice, had appreciated his argument at all. His object was to avoid the further stage which was said by the noble Lord to be more satisfactory and more specific than his own. He did not want the public inquiry or the publicity, and he believed that by a few minutes' conversation with the Board of Agriculture it might very often be avoided. The noble Lord brought the accusation against his words that they were vague. He wished that half the words in the Bill were as specific and as clear as were the words he proposed to put in. He was of course entirely in the hands of the House as to whether he pressed his Amendment or not. He could only say that although they were always receiving assurances that everything that the County Councils Association said would be considered, yet there was a strange reluctance on the part of noble Lords to put words into the Bill which would cover the points which the county councils wanted to see made clear.

Viscount St. ALDWYN said that his view of the Amendment of his noble friend depended upon what the meaning of the next sub-section was. He himself had given notice of an Amendment on that sub-section to enable persons affected by the scheme to be heard at the inquiry, but as he read the sub-section it seemed to him to be intended to be an inquiry at which only the county council was allowed to be present. If that was so, would it not be almost better that this inquiry should be given up altogether, and that his noble friend's Amendment should be accepted? If it was to be an inquiry really to go into the whole matter, and to hear the views and opinions of owners or occupiers of land or other persons who might be affected by the scheme, that would be a different matter altogether. He did not really understand what the Government meant by this proposal. Surely there ought to be some occasion when there would be a local inquiry at which the persons affected by their land or their farms being proposed to be taken, should have an opportunity of being heard before the Order was absolutely made binding and conclusive. Perhaps one of the noble Lords would explain precisely how the matter stood.

Lord FITZMAURICE said he did not quite see where the vagueness was. The machinery was already familiar to the Committee. It was a machinery which was constantly used in the case of schemes issued by the Endowed Schools Commissioners, the Charity Commissioners, and others. There was a preliminary inquiry, such as was provided for in the earlier clauses of the Bill. Then there was the draft scheme. Then, when that draft scheme had been published, it was the invariable practice—and he thought they would be attacked, and justly attacked, if they did not follow it—to give an opportunity for the public inquiry which always arose upon objection. He saw no reason for departing from established precedent in these matters, and it seemed to him that the burden of proof was not upon them for following the general lines of inquiries in matters of this kind, which had now gone on for a period, from first to last, of something like 50 years, and not introducing a new set of conditions, more especially when it was borne in mind that, owing to the Amendment which had been inserted by his noble friend earlier in Clause 3—which was a modified edition of his noble friend Lord Camperdown's Amendment—they had gone very far indeed already to bring the county councils into line. And not even there was it done for the first time, because under Clause 2 the county council was to be consulted even before the report had been issued. So that now they were at the third stage in these transactions, and were getting near to the time when there would be proceedings under the finally approved scheme, and a notice to treat would have to be given eventually, when the scheme had ripened into an Order, and when the Lands Clauses Act might possibly have to be put into operation. The language, therefore, which they used at this stage was precise, and the opportunities given to the public body most affected were the ordinary opportunities. It might be a very fair thing to consider, when they got to the next sub-section, whether the right of attending the inquiry, and of having notice of that inquiry should be given, as the noble Viscount had suggested to other parties. He could not pledge the Government to agree to it, but he quite understood the suggestion, which, however, was a totally different suggestion from that made by his noble friend.

LORD BELPER said he would not put the House to the trouble of a division, but he could not say that the arguments of noble Lords on the other side had convinced him in any way.

Amendment, by leave, withdrawn.

VISCOUNT ST. ALDWYN moved an Amendment to provide that a public local inquiry should be held by the Board if "any person affected" objected to the scheme. Now that the way was clear, in the view of the Government, for a local inquiry he really thought that as this was the only inquiry, so far as he understood, at which the persons affected by the scheme in their own property or tenancies could possibly be heard, the persons holding the inquiry should not have the right to exclude them. He therefore proposed to insert after "Council" the words "or any person affected." If the noble Earl could show him that there was any other inquiry or means by which such persons could be heard before such Order was finally made by the Board of Trade under Sub-section 5 then that would be another matter, but so far as he could understand the Bill, this was the only opportunity. He begged to move.

Amendment moved—

"In page 3, line 31, after 'Council' to insert 'or any person affected.'"—(*Viscount St. Aldwyn.*)

EARL CARRINGTON: I hope the noble Lord will excuse me, but I do not quite understand the English of this Amendment, and I would like to ask what is the meaning of "any person affected." Would it mean any ratepayers in the county, or if not who would these persons be?

VISCOUNT ST. ALDWYN: I explained what in my opinion it meant.

EARL CARRINGTON: Anybody affected by the scheme—any ratepayer?

VISCOUNT ST. ALDWYN: Not necessarily a ratepayer.

EARL CARRINGTON: Not necessarily, but he may be.

VISCOUNT ST. ALDWYN said he thought he had explained that what he meant by the words was an owner or occupier of land to be taken by the scheme. He supposed the scheme would be definite enough for that. If the noble Earl told him it would not be, would he tell him when and where it was proposed to make some such provision as he suggested?

LORD FITZMAURICE rather thought, as he had said before, that they were getting a little at cross purposes. This was not the point where the person whose land it was proposed to take would come in. That person would come in when the Order was issued, and then there would be a regular inquiry. The Order would be issued and the proceedings would take place which were mentioned under the head "Acquisition of land" in Section 26.

EARL CARRINGTON: I now understand that there would not be any ratepayer, but only persons who might be occupiers and owners. We have got the words "persons affected" in page 3, line 28, and by that expression we mean clearly all county ratepayers within any wide district affected by the draft scheme. They clearly ought to have the fullest information. But I must point out that it is quite another thing to give these persons an absolute right to require that a public inquiry should be held, because if this Amendment is carried, really that is what it comes to. Schedule 1, part 2, paragraph 3, gives private owners a right of inquiry where their land is proposed to be taken, but that is a very different thing from an absolute requirement that a public inquiry should be held.

VISCOUNT ST. ALDWYN apologised for interrupting the noble Earl, but he thought it would shorten the matter. He was satisfied, by the reference of the noble Earl to the Schedule, that there would be, before an Order was taken up, a public inquiry at which persons locally interested would be heard.

EARL CARRINGTON: They can insist upon that.

VISCOUNT ST. ALDWYN agreed that under these circumstances his words would not properly come in at that point, and therefore he would withdraw them.

Amendment, by leave, withdrawn.

VISCOUNT HILL, in moving an Amendment providing that "persons who have duly lodged an objection," should be permitted to appear and be heard at the public local inquiry, said that the object of his Amendment was to elicit from the noble Earl opposite why he objected to people who were affected being heard at the local inquiry. Under Sub-section (1) it was proposed that the Board should give them every opportunity of making objections. They advertised in the papers, and did everything possible to elicit objections, but yet, when the local inquiry was heard, the objectors were not to be heard. It seemed to him rather hard that after giving the people all the trouble of making objections they should not be heard at the inquiry itself.

Amendment moved—

"In page 3, line 34. after the word 'council' to insert the words 'persons who have duly lodged an objection.'"—(*Viscount Hill.*)

EARL CARRINGTON: I think the House will admit that this Amendment goes a very long way. As I understand Lord Hill, this Amendment will give the right to any person who has lodged an objection to the scheme to be heard at the public inquiry. That would inevitably make the inquiry a very long and expensive one; and we are anxious upon all sides to make it as inexpensive and economical as possible. But I will admit at once that this economy ought not to be secured at the expense of fair play, and I may point out that the person holding the inquiry may be a Commissioner, and he ought to be given a discretion to decide who, besides the county council, should be heard. I honestly think that Viscount Hill's Amendment goes too far, and I am sorry we cannot accept it.

VISCOUNT HILL said that he had no wish to cause any extra trouble or expense at the local inquiry, but it certainly seemed to him rather unfair that these people should be given all the trouble of making objections and so forth, and then, when the local inquiry came, should have no right to say a word.

LORD CLIFFORD OF CHUDLEIGH thought there was one person who had been overlooked, and who might reasonably make an objection to the scheme. He did not see where the persons who were desirous of having small holdings came in. Supposing a scheme recommended small holdings on ground which was entirely unsuited to the uses of those who desired to have them and supposing that persons of that kind objected and wished to be heard at the inquiry, surely one of the objects of advertising was that people who had that kind of objection to raise should be heard; it seemed to him that anyone who made a reasonable objection ought to be heard at the inquiry.

EARL CARRINGTON: I think anyone who made a "reasonable" objection would be heard; it is in the discretion of the person holding the inquiry.

LORD CLIFFORD of CHUDLEIGH asked, if that were so, what was the objection to saying so.

LORD FITZMAURICE said it ought not to be assumed that these Commissioners—who were going to be, as his noble friend had stated on the Second Reading, men of experience in agriculture —would always act improperly. Surely it was not a fair thing to discuss this Bill, or any Bill, upon the assumption that everybody would act unreasonably.

*LORD BARNARD said that if a Commissioner was to hold an inquiry he might possibly be the person who had promoted the proceedings from beginning to end; therefore he might at the same time be the judge and one of the parties to be heard, and he would have the power to shut out people whom he would have known from the first would be in opposition to him.

Amendment, by leave, withdrawn.

THE EARL OF CAMPERDOWN said that the next Amendment standing on the Paper was in the name of the Viscount St. Aldwyn, but his noble friend had asked him to move it. It was very nearly a pure drafting Amendment. If their Lordships looked at the sub-section they would see that the Board might settle the scheme or annul the scheme. What was the meaning of the words "settle the scheme"? He only remembered that being used once before, and that was in a Bill introduced this year; and when the question was asked what those words meant it was stated that they meant "settle the terms of the scheme." "Settle the scheme" here must necessarily mean much more than that; it must mean "confirm the scheme." And if that were so, he thought it would be an obvious improvement of the clause to put in the words "and may confirm"; because in the first place it would settle the terms of the scheme, and then they might either confirm or annul it.

Amendment moved—

"In page 3, line 40, after the word 'fit' to insert the words 'and may confirm.'"—(*The Earl of Camperdown.*)

EARL CARRINGTON: I really do not think there is much in that. It seems to me that if a thing is "settled," it is not necessary to "confirm" it. Everybody understands what "settling" a thing is; and I really hope that this Amendment will not be pressed.

THE EARL OF CAMPERDOWN asked if the noble Earl would kindly explain to him, in clear words, what "settling" a scheme meant.

EARL CARRINGTON: "Settle" means "confirm."

LORD BARNARD: It is a term used by counsel constantly in the sense of finally determining the terms of a contract, deed or document, but it does not seal it, or establish it, or make it operative in any way whatever. The term "settle" merely means what Lord Camperdown has said—to settle the terms.

LORD FITZMAURICE said he really did not think that there was any importance in this Amendment.

THE EARL OF CAMPERDOWN: Then why not accept it?

On question, Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5:—

VISCOUNT ST. ALDWYN said he proposed to substitute the word "may" for the word "shall" in line 8. As the Bill stood, the assumption was that the scheme had been practically rejected by the Council, and Sub-section (2) of this clause provided that the Board should direct the Commissioners to take such steps as might be necessary for carrying the scheme into effect. It might be perfectly possible that after the council had raised objections to a scheme of that kind and declined to carry it out Sub-section (2) might come into force; and if the word "shall" stood in the subsection the Board, as he understood it, would be obliged to carry out that scheme *literatim et verbatim* without any possible alteration, although they might themselves desire to make some kind of alteration, possibly to meet the objections of the county council, or for some other reason. Surely the word "may" was quite sufficient direction to a Government official as to what that meant.

Amendment moved—

In page 4, line 8, to leave out the word 'shall,' and insert the word 'may.'"—(*Viscount St. Aldwyn.*)

EARL CARRINGTON: This Amendment was moved in Committee in the House of Commons, and there was a division upon it. I will not say what the figures were—but it was not carried. I should like the House just for a moment or two to consider what the state of things is now at which we have arrived. The Commissioners have conferred with the county councils; then they have reported to the Board of Agriculture; then that Board has sent reports to the county council; six months or more have been granted to prepare a scheme; the scheme has been prepared and published; a public inquiry has been held, objections have been considered, and the Board has settled the scheme which the county council have failed to carry out. And now it is seriously proposed to raise the point as to whether the Commissioners should be ordered to carry out the scheme or not. I suggest that this is a point which it is perfectly impossible to entertain; we must resist this; it is a crisis in the Bill; and I must absolutely refuse the Amendment.

VISCOUNT ST. ALDWYN said he was sorry the noble Lord did not quite appreciate what he meant; there was really no crisis in the matter at all. If the Board of Agriculture wished to bind themselves to carry out a particular scheme without giving themselves an opportunity of altering one word or letter in the scheme, then, of course, if the noble Earl, as head of the Department, said they must be in that position, he really would not care to divide against it; but he would ask the noble Lord—because he himself had had some experience of administration—if he could not accept this Amendment, at any rate, for the sake of his own Department, to put in such a variation of this clause as to enable them to vary, if they wished, the draft scheme which the county council had refused to adopt. He was quite certain, from an administrative point of view, that it would be perfectly safe to do that.

EARL CARRINGTON: If the noble Viscount will allow me, I will consider that.

Amendment, by leave, withdrawn.

THE DUKE OF NORTHUMBERLAND moved to insert a new subsection requiring that, before any order under this section was made by the Board, the draft thereof, together with a minute stating the circumstances under which such order was proposed, or intended to be made, should be laid before each House of Parliament for a period of not less than thirty days during the session of Parliament. He said that this was a somewhat important Amendment, and he hoped their Lordships would allow him to occupy a little more time in stating its merits than he should otherwise have wished to do. He was obliged to refer again to the "Farmers' Charter." That charter took away from the tyrannical landlord the power of evicting his tenants and safeguarded the holding of the holder, and within nine months the power to evict any tenant all over England was assumed by the President of the Board of Agriculture. He ventured to say, although no tenant liked being evicted, any tenant would greatly prefer being evicted by his own landlord—a man he knew and had some confidence in, who knew the circumstances of the case individually and probably knew the tenant personally—to being at the mercy of an abstraction, as the President of the Board of Agriculture was mainly to the tenants of England. He had no doubt, from letters he had received, and from what he had heard from others, that the unpopularity of this Bill among the tenant classes in the country would very much surprise the President of the Board of Agriculture if he realised it. He (the Duke of Northumberland) did not care whether it was popular or not—that was more a concern for the Government than for him—but he asked their Lordships to remember what that power amounted to. For the first time in the history of England, as far as he knew, a Government official was to come down and forcibly evict any tenant he liked from his holding. Hitherto that power had been confined to Parliament, and, in giving this power, they were putting the Minister of Agriculture in the position of Parliament. Hitherto, if they wanted to take a man's property, or to evict him from his holding, it had been necessary to introduce a Bill into Parliament, fight it before a Committee, and take compulsory power to do it, and there was every opportunity for witnesses to appear and for the whole case to be heard. Now the power was transferred to the Board of Agriculture, and could be exercised if the President of the Board of Agriculture pleased, although it was only, of course, to be exercised when the county council refused to act. They were informed the other day that it was very seldom that these compulsory powers would be put into force. The noble Earl had assured them that they really need not be in the least jealous about them, for it would be the very rarest thing in the world that they would be exercised. He did not think that if such drastic powers were only to be exercised very exceptionally it could do much harm to guard them very carefully, and his proposition was that when land was proposed to be taken compulsorily the scheme should be laid before Parliament for a certain time, so as to give opportunity for objection, if need be. That seemed to him to be a fair proposal, and he pressed it upon their Lordships. He anticipated one objection, and that was that it would cause delay. Lord Fitzmaurice had told them that a calculation had been made that under the Bill it would be possible for parties interested, if they put all the powers into force which they were given under the Bill, to delay a scheme eighteen months or two years. He would like to have a little fair play in this matter. The President of the Board of Agriculture was always telling them about his good intentions, and saying to them "Why do you object to my having these powers? I assure you I am going to use them most carefully; I should be the last man to abuse them." They accepted that entirely, but why, on the other hand, should it be supposed that the county council was going to use all the powers it could possibly bring to bear in order to delay these proceedings? Was that a fair way of treating the county council? It was all of a piece with the policy of the Government—absolute distrust of the democracy they were supposed to admire. They had the most democratic system they possibly could have, and they imputed to them the very motives which they indignantly repudiated the bare possibility of being influenced by themselves, and took away every power from them which they could possibly take. He thought that was a sufficient case for calling in Parliament in circumstances in which it was necessary forcibly to over-ride these public bodies, and to over-ride for the first time, as he had said before, the rights of property. He did not know what objection might be made to his Amendment except that of delay, and he pressed upon the House that in these cases—which they were assured would be rare—it was worth while even that there should be some delay, if that delay resulted in securing a fair hearing for those who were the elected representatives of the ratepayers and of the people, and who, according to the Government's own theories of democracy, had every right to be heard. He had only one more word to say. Lord Fitzmaurice had said the other day that this power of over-riding local authorities was no new one, and that they on that side of the House entirely misinterpreted the theory of local government if they imagined that an unrestrained opportunity was to be given for the expression of the wishes of the people. He spoke under correction, for he knew the noble Lord was far better able to speak than he was on local government, but he submitted that the very rare cases in which a central authority could over-ride a public body such as a county council were confined either to cases of a very urgent character, such as matters connected with sanitation, where unless the power was promptly put in force, great evils would ensue, or else to cases of some wilful neglect. He did not know of any such instances except, as he had said, in the case of sanitation, which was altogether a peculiar instance and stood alone because of its urgency as well as of its importance. He did not know of any case where a duty which might be said to be a duty not of omission but of commission was forced upon a county council—a popularly elected body—by the central body. He believed that this was the first time it had been proposed, and it was noteworthy that it was now proposed by a

Government which was supposed to have an exceptional respect for the wishes of the people.

Amendment moved—

"In page 4, line 24, after the word 'council' to insert the following new subsection: '(3) Before any Order under this section is made by the Board, the draft thereof, together with a Minute stating the circumstances under which such Order is proposed or intended to be made shall be laid before each House of Parliament for a period of not less than thirty days during the session of Parliament.'"—(*The Duke of Northumberland.*)

EARL CARRINGTON: I hope the noble Duke will not think it discourteous on my part if I confine myself entirely to his Amendment. It is evident that we cannot possibly accept it. It is another Amendment which will ensure delay, and although perhaps I ought not to say it again, it is one of those Amendments which shows a want of confidence in the Board. I firmly believe that cases where compulsion will be necessary will be very rare, and I say again, and I always will say, that we shall spare no pains to bring about a friendly settlement. But how much less easy would it be to bring about a friendly settlement if a direct opportunity is given for Parliamentary controversy! I may also say that there is an additional objection to the Amendment, and to my mind it is a very serious one: it must be "not less than thirty days during the Session of Parliament." If Parliament is not sitting, that means a delay of six months or more. I feel sure that the House will see that it is practically impossible for me to accept the Amendment of the noble Duke.

VISCOUNT ST. ALDWYN did not quite understand whether the objection of the noble Earl was solely to the proposition that the Order should be laid before Parliament while Parliament was sitting, and that there should be a delay of thirty days to enable either House of Parliament to take exception to the Order, or whether he objected to the Order being laid before Parliament at all. If the latter was the case, he would venture to refer the noble Earl to what was at the time called "the charter of the villagers," the Local Government Act of 1894, in which, as noble Lords were well aware, there were powers given to a parish council, through a county council, to obtain lands compulsorily for allotments. Then, if the county council refused to make the Order desired by the parish council, the parish council had to petition the Local Government Board, and that Board, after a local inquiry, might, if it thought proper, make the Order over the heads of the county council. Then the subsection went on—

"Any Order made under this subsection overriding the decision of the county council shall be laid before Parliament by the Local Government Board."

He thought it was a very serious matter for the Board of Agriculture to override the authority of the county council; and he did not see any argument that His Majesty's Government could adduce when such a case happened—which, as they themselves had said, would be very rarely indeed—why the Order should not be laid before Parliament, so that Parliament might at any rate, if it could find an opportunity, take cognizance of the matter. He thought that was a point His Majesty's Government really could not object to; and his object in raising it was, to ask whether at any rate His Majesty's Government would go as far as that in accepting the Amendment of the noble Duke.

EARL CARRINGTON: I am afraid I cannot possibly do it. We object to the whole Amendment of the noble Duke. I am very anxious to meet noble Lords on the other side of the House in every way I possibly can, but this is an Amendment that I cannot possibly accept.

THE DUKE OF NORTHUMBERLAND wished to know what the noble Earl's objection was. The only objection he had made when replying to himself was the delay which it would cause. But the noble Viscount (Viscount St. Aldwyn) had suggested an Amendment of the Amendment which would avoid that delay. What then was the objection of the noble Earl? Was it—because that was really the only inference they could draw—that he was afraid of the scrutiny of Parliament into the actions which would take place under this clause?

EARL CARRINGTON: I am absolutely unable to accept the Amendment; I cannot accept it in any shape or form, and I have already explained the reason why.

LORD BELPER suggested that it might be possible to put the Amendment in such a form that no objection could be taken to it. No answer had been given to the argument which had been used by Viscount St. Aldwyn. He had prepared a form of words which seemed to him perfectly reasonable, and which covered the same procedure as was pointed out with regard to the former Allotments Act, and would not cause any delay whatever. He proposed that the Amendment should read—

> "Where any Order is made under this sub-section, a copy thereof, together with a Minute stating the circumstances under which such Order was made, shall be laid before both Houses of Parliament as soon as possible after the Order has been made."

That would not cause any delay—it would only inform Parliament of what had taken place. And, as this was a totally novel procedure, it was desirable that Parliament should know in what way the Commissioners were carrying out the Act. He did not know whether the noble Duke would withdraw his Amendment in favour of the one he had suggested, and, unless he was willing to do so, he did not, of course, wish to put it forward.

THE DUKE OF NORTHUMBERLAND said it was merely a question of words, and, up to a certain point he preferred his own words. He was prepared, however, to withdraw them.

Amendment, by leave, withdrawn.

Amendment moved—

"In page 4, line 24, after "council" to insert the following new sub-section 'where any Order is made under this sub-section a copy thereof together with a Minute stating the circumstances under which such Order was made shall be laid before both Houses of Parliament as soon as possible after the Order has been made.' "—(*Lord Belper*).

THE DUKE OF NORTHUMBERLAND thought that the words "made or intended to be made" were necessary.

LORD BELPER pointed out that an Order was supposed to have been already made.

THE DUKE OF NORTHUMBERLAND: Very well.

On Question, "That those words be there inserted," their Lordships divided: Contents, 135; Not-Contents, 27.

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On Question, that Clause 5, as amended, stand part of the Bill,

VISCOUNT ST. ALDWYN said that, before passing from the clause, he thought it necessary to trouble their Lordships with a few observations, which he would make as brief as possible, upon the financial provisions which were contained in the clause, in the hope that he might be able to extract from His Majesty's Government something more than they had yet been able to extract upon that very important subject. As the clause stood it read—

> "Provided that such expenses of the Commissioners as the Board certify to have been incurred by the Commissioners in the exercise of such powers in relation to any scheme and to be properly payable by the county council shall, on demand, be repaid to the Board by the county council in default out of the county fund."

There was inserted Subsection (3) providing that if it appeared to the Board of Agriculture that the carrying out of a scheme under this Act had resulted or was likely to result in a loss, the Board might, with the sanction of the Treasury, pay or undertake to pay, out of the Small Holdings Account, the whole or any part of the loss. They had a promise, and he wished it could have been redeemed before they had to deal with this Bill, that the Treasury would lay upon the Table of both Houses of Parliament a Minute by which they would explain how and in what circumstances they proposed to repay half the loss in the case of a county council which carried out a scheme of its own free will, and they had it in so many words from the Minister who conducted the Bill through the House of Commons, that in his belief it would be impossible for the Government to carry out the powers conferred upon them by the second subsection of this clause, and to obtain from a defaulting county council any loss which might be incurred by the Board of Agriculture in carrying out the scheme which the county council itself had declined to carry out because it anticipated a loss from it. That, he understood, was the position of His Majesty's Government, but that was not the provision of the clause. The clause in itself did not lay any obligations upon the Treasury whatever under any circumstances. Yet they had been assured that this was a Bill so absolutely perfect that it was practically incapable of amendment. He tried the other day in the discussion on the Second Reading, and so also did Lord Belper and other Members of their Lordships' House, to obtain something more definite than they had hitherto had upon this subject, but all they got was a statement by the President of the Board of Agriculture, who had practically contradicted the statement to which he had referred by the First Commissioner of Works as to the enforcement of the claim of the Government upon the county council where a scheme had been carried out by the Board of Agriculture at a loss. He could only say that even now he hoped His Majesty's Government might be able to reassure them upon this most important point. He could not himself see that any Government could force a county council to repay them the loss incurred in such circumstances, but, if that was so, why on earth did they not put it in the Bill? If they could get nothing more than they had yet had, he thought they ought to consider very carefully whether on Report they ought not to strike out Subsection (2) of the clause in order, at any rate, that the House of Commons might have the opportunity of reconsidering whether it ought not to make the clause carry out what the Government said was their intention and belief.

EARL CARRINGTON: I can only repeat what I said in answer to Lord Onslow on the 19th of August. Lord Onslow then asked me whether His Majesty's Government would lay on the Table of the House the form of the Treasury Minute promised by the Chancellor of the Exchequer as to relieving the county council of half of the amount of any loss incurred in carrying out any scheme under the Small Holdings Bill when passed into law, and, when the county council is over-ruled by the discretion of the Commissioners, the whole of that loss. As regards the first there is a pledge to relieve the county council of half of any loss incurred by any county council in carrying out a scheme under the Small Holdings Bill when passed into law, but on the second point I can give no pledge. The decision must depend on the circumstances of each case. Clause 5, Subsection (3), provides that if it appears to the Board that the carrying out of the scheme under this Act has resulted, or is likely to result, in a loss, the Board may, with the consent of the Treasury, pay out of the Small Holdings Act the whole or any part of that loss. The noble Lord opposite said that it had been promised that the Minute should be laid on the Table, but the terms of it require such careful consideration that it is not possible to issue it before the end of the session. That Minute will not deal with cases in which the Board are acting in default of the county council. These cases will be dealt with on their merits by the Board and the Treasury under Subsection (3), and there is no intention to make good any loss on allotments incurred by the parish councils. I am afraid that is all I can say to the noble Viscount. It is what I said on the 19th August, and I am afraid it is all the information I am able to give him.

VISCOUNT ST. ALDWYN asked if the noble Earl really meant that where a parish council, which was a democratic body, did not require to acquire compulsorily or to hire land for allotments, the need being probably already satisfied, it was to be compelled by the Board of Agriculture to do so against its own will and against the will of the council of the county, and that, even if in such a case any loss was incurred by what he might call the tyrannical proceedings of the Board of Agriculture, the Treasury would not pay a penny to that parish towards that loss.

LORD BURGHCLERE pointed out that the President of the Board of Agriculture would be responsible for this action, and that therefore it would be in the hands of the House of Commons and of Parliament to point out that the action of the President had been wrong.

LORD BELPER said that the answer of the noble Earl was thoroughly unsatisfactory. The case they put was not an exceptional one, and it was admitted that it was about as strong a case as could possibly be made. It was a case where a county council, acting in their own discretion, refused, after proper discussion, and despite its wishing to do its duty, to agree to a scheme because they thought it was not safe, and where they were overruled by the Commissioners of the Board of Agriculture, and a scheme was, in spite of their objections, forced upon them and a loss incurred. Regarding that in any way, could there be a stronger case? What was the good of the clause if the Government would not make good the full amount of the loss incurred by the action of the Commissioners and of the Board of Agriculture in such a case? It rather looked like taking back with one hand what they were giving with the other. He did not think it was possible to conceive any case that could put the point more strongly, and he thought they should have some assurance that that was a proper case in which the whole loss would be refunded and not charged upon the rates, or at least that it was a case which His Majesty's Government would favourably consider.

*THE EARL OF ONSLOW hoped the Government would give this matter careful consideration, and that they would give them an answer to the questions addressed to them repeatedly both before and during the progress of the debate on the Bill. He believed the Government had clearly got in their minds the course they intended to pursue, but they had never told them what it was. His Majesty's Government meant that wherever a county council had honestly tried to carry out the Act, and the result had been a financial loss, to give them some relief and to do it by Treasury Minute, and that in other cases where the Board of Agriculture, acting through the Commissioners, had carried out the scheme, and that scheme had proved to be a loss, despite the representations made to them by the county council the Board of Agriculture should abandon its powers under the Acts to recover from the county council the amount of such loss. If that was the intention of the Government they should say so. He thought that before the Bill left their Lordships' House they were entitled to have some explanation of what the Government really meant to do. Owing to circumstances arising in another place which he need not now recapitulate, and owing to the fact that that House was unable to deal with the financial clauses in the Bill, they had not yet got what was really the intention of the Government, and he asked them to make some statement in addition to that they had made, and which they had repeated that night.

LORD FITZMAURICE said the point which was raised by the noble Viscount about the parish councils really arose more properly on Clause 24 Sub-section 2.

Clause 5, as amended, agreed to.

Clause 6 :—

*THE EARL OF DARTMOUTH proposed to add to the second line in the clause the words "purchase or." They had accepted the avowed objects of the Bill and he thought they might say that they had adopted them readily, and his only desire was to make the measure as useful and as comprehensive as possible. In his opinion, the addition of the words he proposed would add to its usefulness and comprehensiveness. Legislation dealing with matters of this kind, to be effective, and to make small holdings really useful, ought to give an alternative to enable the cultivator under certain conditions to become the owner of the soil he tilled. He believed that to be a cardinal point. It was rather the fashion in some quarters to laugh at what Mr. Jesse Collings was doing, but he had a very vivid recollection of the Government in 1885 being turned out on the Amendment to the Address dealing with three acres and a cow, and, whatever they might think of Mr. Jesse Collings now, they must admit that he had never deviated an inch from the position he then took up in advocating the establishment of a peasant proprietorship. If he could do anything to support that view, he would be glad to do so. It was a matter of common knowledge that, when a man was working for himself, he would do better than if he was working for a particular landlord, even if that landlord happened to be a parish or a county council. A similar Amendment had been moved in another place. They had heard a good deal about Amendments in another place and that a majority of them had been defeated. He admitted that this Amendment was defeated, but they could not overlook the fact that it was moved by a strong supporter of the Government, that it was spoken to and supported by other supporters of the Government, and that a pathetic appeal was made to the Minister in charge of the Bill to allow the Members to vote as they pleased. That was refused, and the Amendment was naturally defeated. The Government gave two reasons against the proposal. The First Commissioner of Works objected to any extension of the principle of purchase, because, he said, it would complicate his Bill; but on the other hand the Solicitor-General said that what those who supported the Amendment wanted was given under the Act of 1892.

If the Solicitor-General was right and there were those powers, the addition of these words would not complicate the Bill, and there was no apparent reason why they should not be included. They, however, thought that the powers under the Act of 1892 were not sufficient, and it was because they thought this that they proposed to introduce these words here. He hoped he would be correct in his description of the meaning of the two Acts. He might possibly make a mistake, but so far as he understood, whilst the Act of 1892 gave the power to acquire land which could be either hired or sold by arrangement, this Act, though it gave compulsory powers to acquire land, only allowed it to be used for the purpose of leasing. It was because they wanted also to include the powers of purchase that he proposed his Amendment. The noble Marquess, the Leader of the Government in their Lordships' House, seemed somewhat surprised that on the Second Reading of the Bill there was not much attention paid to the difference between purchase and leasing, and one of the reasons he gave them why purchase was not considered desirable was the introduction of the money lender. That, no doubt, was a strong argument against compelling the tiller of the soil to purchase. But they did not suggest in their proposal that it should be made compulsory. They only asked that there should be the option of purchase if a suitable man was there and everyone wished it. They might admit, though he did not know that he personally was quite prepared to do so, that under most circumstances leasing might be desirable, but it was a fact that in some districts purchase was the better system, and he hoped they would make this a thoroughly comprehensive measure and not bar the door to agricultural labourers, in whose interests he supposed it was introduced, if they desired to purchase, and if the circumstances were suitable. There was one class which strongly objected to private ownership of land, and it was that class in favour of the nationalisation of land. He did not take it that their Lordships would be likely to agree with those views, but so far as he could make out it was the only class of any weight which objected to this proposal. One of the objections that had been taken to the Amendment was that if a small holder purchased his holding, he became rooted to the soil; but he could remember the time when almost the whole of the Liberal Party were in favour of rooting the agricultural labourer to the soil. However that might be, he understood that the First Commissioner of Works objected that if a man became the owner of his small holding he would be rooted to the spot and would have no hope of further advance. He did not, however, think there was anything in his Amendment to prevent that. He gathered that the ultimate views of the First Commissioner of Works was that the small holder would begin with a holding of 50 acres, go on to 100 acres, and advance until he became a large holder. Then, he supposed, he in his turn would be expropriated for a new generation of small holders. One Member of Parliament had said their desire was to see the agricultural labourer walking erect. He was afraid that if they took that description literally, neither he nor they would see the agricultural labourer walking erect until we had that universal military training of which they heard so much. They all wished to see the agricultural labourer walking erect, and there was nothing in his Amendment to prevent it. He was fully in agreement with his noble friend in the desire to make this a useful and comprehensive measure, and he therefore begged to move the Amendment of which he had given notice.

Amendment moved—

"In page 4, line 32, after the word 'to' insert the words 'purchase or.'"—(*The Earl of Dartmouth.*)

Lord NELSON reminded their Lordships of the interesting statement he was able to make on the Second Reading of the Bill. The freehold of 47 acres of land was sold under Lord Salisbury's Act to eleven people, and now, so far from the possession of the freehold preventing them from disposing of it and going up higher, a great number of the original purchasers had sold their land or done something else with it. At the present time, at the end of nineteen years, these freeholders had spent about £3,475 on the land, including the purchase price, draining, and the building of seventeen houses, and it was estimated that the rental now received from the buildings and allotments was £276. Did they for one moment believe that that expenditure would have been made if they had been under a lease? He earnestly hoped there would be no impediment, but that some encouragement would be given to those who wished to purchase.

EARL CARRINGTON: This is perhaps as important an Amendment as can possibly be moved on the Bill. Lord Dartmouth has stated his case with great good humour, with fairness, and with moderation. He tells us that his anxiety is to make the Bill more useful and comprehensive. We are very much obliged to him for that. It is the wish of everybody, though we may rather differ as to the way in which it is to be carried out. In mentioning Mr. Jesse Collings, he said that some people rather laughed at him. I am not one of those.

*THE EARL OF DARTMOUTH: May I interrupt the noble Earl for one moment? I can tell you exactly where it took place. It was at that meeting at Birmingham at which the noble Earl was present. It was not him, but a good many did speak of Mr. Jesse Collings in a way hardly fair.

EARL CARRINGTON: I do not remember it, but, if they did, I must entirely dissociate myself from anything said, and I am exceedingly sorry that it happened. I have known the right hon. Gentleman a great many years, more than I care to remember, and I have the greatest possible respect for him. In the old days when we were Radicals together we sat together on Radical platforms, and I always looked upon him, and I now look upon him, as the pioneer and the chief representative of rural reform on the side of the House on which he sits. My right hon. friend is very fond of one expression. He uses it very often, and he firmly believes in it. It is "the magic of property." I am not quite so certain that the magic of property has the significance that he applies to it. What the people really want is security of tenure, and I venture to think security of tenure is attained under this Bill. I may perhaps be permitted to remind the House that the main principles of the Bill are letting land on lease with security of tenure at a fair rent, as against the establishment of a peasant proprietorship. We are told that in this Bill there is very little security to be found, but I venture to point out that the tenants will live, not under a private landlord at all, but under a council which will be elected by themselves, and that, more important still, the burdens and conditions under which they will live will be settled by rules confirmed by the Board of Agriculture. I venture to think that under those conditions there will be practically very good security of tenure for the tenants. The main principle of the Bill, as I have said, is county councils letting land on lease, land that they can purchase or hire, as against peasant proprietorship. The point was argued at considerable length on the Second Reading. I do not want to trouble the House again with a Second Reading speech, but I tried to show that the disadvantages of peasant proprietorship were fully made out by numerous authorities whom I quoted at the time. Perhaps I may, if I am not troubling the House too much, say one word about the great instance of successful purchase in a place called Catshill, which is invariably quoted, as it is the trump card that is always used by speakers when they are advocating peasant proprietorship. No doubt the scheme has been a great success. Only one man has had to be got rid of for not cultivating his land properly, and I believe there are no arrears in the payment of half-yearly instalments. When the land was divided into thirty-two holdings, and when the time came for the payment of the first instalment of the purchase money, it was found that only one half of them could pay it. It was therefore arranged that the other half should be taken on as tenants for three years till they had saved enough money to pay the first instalments (one-fifth of the purchase price and expenses). When they had done that the land was conveyed to them. The scheme has been a great success, and I am not going to argue that it has not. What I should like to point out is that people purchased that land and were glad to do so, but that they could not get away from being first compelled to lease it. There is a village near Evesham called Littleton, and about twelve months ago a petition was presented by thirty-six men asking the county council to buy a farm of thirty acres which was then in the market. The petitioners stated the amount of land they wanted and the rent they could pay. The county council eventually bought about sixty acres, and when they approached the petitioners they found that only four out of the thirty-six could provide a fifth of the purchase money. Advertisements were therefore inserted in the local papers, and all the land has now been sold. But the thirty-two petitioners, although well qualified and having sufficient capital to work it as tenants, were unable to pay down the instalment for purchase, and are deeply disappointed at not being allowed to hire the land. At Fairfield, another village near Catshill, the county council agreed to buy eighty acres with the idea of selling it to men who, as tenants of the parish council of Belbroughton, had saved enough to provide the fifth of the purchase money. A deputation of these men, however, waited on Mr. Impey and asked him to petition the county council asking them to postpone action till after the passing of the Small Holdings Bill, so that they might become tenants of the land instead of purchasers.

*The Earl of DARTMOUTH: May I interrupt. We are not suggesting that you should compel these people to buy. In your own Bill you give the opportunity of leasing, and all we ask is that they should have the option of leasing or purchasing as they desire.

Earl CARRINGTON: They have the option now under the Bill of 1892.

*The Earl of DARTMOUTH: Not of purchasing the land which is compulsorily taken in this way. They have the option where it is done by arrangement, but not where the land is taken compulsorily.

Earl CARRINGTON: If the Act of 1892 was the success some people tried to make out it was.

*The Earl of DARTMOUTH: I do not care twopence about the Act of 1892 now. Under the Act of 1892 you can purchase by arrangement, but under this Bill in which you give powers to take land compulsorily you may lease compulsorily but you may not purchase.

Earl CARRINGTON: That is the Bill and that is the scheme.

*The Earl of DARTMOUTH: Then I hope it will be altered in my direction.

Earl CARRINGTON: That is the Bill and that is the scheme, and I have to say it is absolutely impossible to accept the Amendment.

Lord COURTNEY of PENWITH said the noble Earl opposite had referred to the historic provision beginning in 1885 when the Government of which he was a member was turned out. He (Lord Courtney) took part in that division and voted with the minority. He gave that vote, not with reference to the question which occupied the minds of many members at the time, the grave constitutional question which afterwards became of paramount importance, but with a view to the merits of the Amendment itself, because he then believed, and he still believed, that the policy of Mr. Jesse Collings was not the policy which deserved the support of Parliament and which was really to the benefit of the agricultural labourer. He had never himself desired to see the agricultural labourer rooted to the soil, in the sense in which those words had been employed, and it was in perfect consistency with the vote he then gave that he now supported the Bill as it stood against the Amendment of the noble Lord opposite. As the case now stood, land could be acquired by purchase by agreement, and the tenant could become the purchaser by agreement. What the noble Lord wished was that the labourer should be able to purchase the land which the county council might, under this Bill, acquire compulsorily. The real question was whether it was convenient and expedient to use the extraordinary powers of compulsion, in order to make the agricultural labourer the absolute owner instead of his being a leaseholder under conditions of perfect security, and under conditions prescribed by the Board of Agriculture. He ventured to say that all the conditions of successful holdings would be attained by the security which the tenant would obtain under the lease granted to him, and that if they added the power of purchase, they would probably land him in embarrassment, and reproduce the spectacle so constantly presented to them in countries where there was a peasant proprietary of embarrassed owners, overcome with debts and in constant difficulties in consequence. Lord Nelson, who had supported the Amendment, made a speech to which he had listened with the greatest interest and attention on the Second Reading. He referred then, as now, to an instance where land had been acquired by agricultural labourers, but he proceeded to say that the original purchasers had passed away. They found that they could not retain the land, and it had now passed into the occupation of other persons. In the course of that speech the noble Lord made one statement which was most valuable as expressing the experience which he, with his long knowledge of the subject, had a right to express with the authority to which he was justly entitled. He adjured their lordships to realise the truth that any person who started as a small holder in debt was in a hopeless position. Any person who started as a small holder in debt was in a position of the greatest peril and danger, and the objection to the proposal made was that they were proposing, for the sake of an advantage which could be secured by an agreement, to exercise the power of compulsion in order to enable a man against his own interests to start in a position of embarrassment and debt. This was an experiment, which they were now instituting, of the greatest interest, and they all viewed it, not only with sympathy, but also with anxiety. They wished, if possible, to plant a larger number of small holders throughout the country, but the thing he was sure they all desired to avert, and which they would all deprecate, was the establishment of an indebted peasantry, a peasantry in a hopeless position. They could not do the best to the land which they occupied, they were agriculturists impaired in the conduct of their holdings, which would become deteriorated. He suggested that they might well be satisfied with the commencement of an experiment which they had in the Bill. Let them try how it worked with compulsory leasing, and not embarass it with compulsory purchase which entailed the starting of a man in his new career with a debt and all the difficulties with which they were familiar in the experience of other countries. The Leader of the House, in an interesting speech at the close of the debate on the Second Reading, had referred to his own experience as Viceroy of India, where the indebted peasantry had dispelled from his mind views which had been instilled in it as a young man by the teachings of John Stuart Mill. That experience of the noble Marquess derived from India, fortified the appeal which he (Lord Courtney) made to their Lordships to be content with the Bill as it stood and not to embarrass the experiment by entering upon the field of compulsory purchase with the dangers attendant thereupon.

THE EARL OF HARROWBY claimed to speak on behalf of the agricultural labourer. They were told, he said, that the Bill was an Agricultural Labourers Bill. He had had a large experience in developing his properties in small holdings, and he quite agreed with Mr. Jesse Collings that there was great feeling on the part of agricultural labourers that they should be allowed to acquire and hold the land themselves. The noble Lord who had just spoken talked about a small holder starting in business with a heavy debt, but he maintained that by getting his money from the county council and consequently paying a comparatively low rate of interest, he would be in a better position and would pay less, notwithstanding the interest, than he would otherwise pay in the shape of rent. Only a week ago he created some small holdings a mile and a half from Grantham in order to test the demand. He had no applications for out and out purchase, but he had several applications for purchase if he could spread the payment over a series of years, and he had no hesitation in saying, having studied the question and supporting the Government in their desire to plant more families on the land, that, if only Lord Dartmouth's scheme of allowing labourers to purchase their holdings was adopted, it would be met by extreme appreciation from all parts of the country.

VISCOUNT ST. ALDWYN said that if he had agreed with his noble friend who had just spoken he would have been quite content with a silent vote, because he was afraid he had had to trouble their Lordships many times on this Bill, but he confessed personally—and he spoke for himself alone—that he would prefer the Bill as it was. It was a serious thing to give the wide powers of hiring in the Bill, and he thought that would be felt by every noble Lord on that side of the House; but those powers were in some measure limited by the fact that they could only be given when persons could be found who were willing to hire the land as tenants under the county council or the Board of Agriculture. It might, of course, be said—and he had no doubt that his hon. friends who had addressed their Lordships would say—that if they were to give compulsory powers of purchase and hiring as against the person owning the land and in favour of the county council or of the Board of Agriculture, there was no reason why they should not also give them in favour of other persons who desired to acquire the land of those who were to be compulsorily expropriated. He thought, however, there was a difference between the two, and he confessed that in spite of what had been said he did not believe small holders, if established as owners, were likely to succeed. He agreed with what had been said by Lord Courtney. He voted with him in those days against Mr. Jesse Collings' Amendment. He would like to ask their Lordships whether it was not a fact that many years ago there were a large number of small holders in England, and whether during the last fifty or perhaps 100 years these small holders had not one after another disappeared. Why had they disappeared? They had disappeared because they could not continue to exist under the changed conditions of agriculture in this country. Their holdings became mortgaged, they became burdened in all kinds of ways, and they were unable to find capital on reasonable terms for the cultivation of their holdings. The equipment of their holdings, the house and the buildings, cost them so much that they found it absolutely impossible to maintain their position, and they one after another saw their holdings swallowed up by the large landowners, and let either as large farms or in small holdings to persons who held them under more favourable conditions. That was a fact which he did not think anybody could dispute. Supposing under this Bill or under any Bill they were compulsorily to acquire a large area of land now held by large owners, and were to split it up into small freeholds, would not the same thing happen again? He could not believe, so far as he could see, that under any conceivable fiscal system in this country under which they could not have protection, and a very heavy protection, small holdings would prosper any more in the future than they had in the past. If that was so, would their Lordships be justified in inserting the Amendment which would give compulsory powers, compelling one man to sell his land in order that it might be handed over to another. Of course, if it was for the good of the State and the community generally, there would be a case for it. He spoke for himself alone, and he was very sorry to differ in opinion from his noble friends on that side of the House. But he could not say that it would be for the good of the community at large to try to establish a large system of peasant owners again in this country, because he was honestly convinced that such a system could not be maintained.

THE MARQUESS OF LONDONDERRY said he had had no intention whatever of addressing their Lordships at any period or stage of the measure, but he felt bound entirely to differ from the view put forward by his noble friend behind him. He did so with the greatest regret, because he had had during the whole of his political career a close connection, and he might say an affectionate connection, with him, and to differ with him must necessarily be to him a source of sincere sorrow. He could not, however, follow the arguments he had put forward against the acceptance of the Amendment. He himself considered that the proposition of Lord Dartmouth was one which would commend itself to their Lordships for the simple reason that there was no compulsion about it. It merely proposed to give a man who was to obtain the land he wanted the option of purchasing it if he wished to do so. He always thought there was a misnomer used with regard to the transfer of land. There was not in England or Ireland any question of compulsory purchase. It was a question of compulsory sale. The people were not compelled to buy, but the owner was compelled to sell if it was considered necessary to make him do so. He spoke for himself, and he did not hesitate to say that he always regretted that there should have been introduced in the Bill the question of the hiring of land. He should have liked to have seen the purchase and not the hiring of land, for the simple reason that he thought in the end the question of hiring would be extremely detrimental, not only to the man whose land was taken, but also to the man who acquired it. The noble Lords who had spoken had entirely ignored the position of the persons from whom the land was taken. He thought it was very hard upon him if he was compelled to sell his land and got fair compensation for it, but what would be his position at the end of the period of so-called hiring? It might be that the person who had hired it on terms which very likely the owner thought most unsatisfactory would return it to the unfortunate owner in a state absolutely different from the condition in which the small holder acquired it, and the owner would have no compensation paid to him. He would have had his land more or less ruined before his eyes, and he would have to take it back and return it to its original condition, with perhaps a further chance that it would be taken again for hiring. He thought purchase should have been the main object of the Bill. He had had no intention of addressing their Lordships, and he could therefore only speak from memory, but he thought that a short time ago he read a speech which the Duke of Portland addressed to his tenantry at Welbeck in which he declared he had given a large number of acres for the purpose of small holdings, and that, although he equipped and stocked them, and started the people on them with no debts whatever, yet in a few years he found them in the unfortunate position of being absolutely ruined, and had to take back the holdings. He had risen to explain why, for the first time in his life, he differed with his noble friend behind him, and why he most cordially supported the Amendment.

THE LORD PRIVY SEAL (The Marquess of RIPON): The noble Marquess who has just sat down has admitted that he has no individual or personal knowledge on the question, such as that obviously possessed by the noble Viscount who preceded him. The speech of the noble Marquess himself was sufficient to convince us of that. The noble Viscount, on the other hand, has evidently thoroughly studied the question, and thoroughly understands it. On my property in Yorkshire there are, on the edges of the moors, a considerable number of small farms and small holdings. Amongst them there are several freeholders holding about fifty or sixty acres, and in the forty years or so that I have possessed the property almost all those persons have been obliged to sell because they found, under the altered circumstances of agriculture, they were obliged so heavily to mortgage their holdings that they had no alternative. That is definite proof. That is a case which has come under my own individual knowledge, and it is one of the reasons which have induced me to lay aside the opinions I once held, and to believe that you would not do any real good to the labourers or to other persons who desire to obtain these small holdings if you were to encourage them to obtain them as freeholders. I believe that that system would turn out to be highly unsatisfactory and highly unsuccessful. It is for that reason that His Majesty's Government have preferred the system of hiring which does not involve these responsibilities. If you are to take any kind of protection against what may happen to these small freeholders, you will not give them anything that can be properly be called a freehold. You will give them land of which they will be the nominal owners, but they will be under all sorts of restrictions as to mortgaging, as to dividing, and as to the powers of sale, or even as to the powers of willing. That is not giving them "the magic of property." When we hear of "the magic of property," I suppose what is meant is the pride any man feels in being the possessor of a small property with which he can do what he pleases. You cannot, unless you want to establish a thoroughly unsatisfactory system, give these men complete and absolute disposal of the land. Therefore, my Lords, you had better not speak of them as persons in the character of real and substantial freeholders.

*THE MARQUESS OF LANSDOWNE: I desire to say one word, because I do not entirely agree with either of my noble colleagues who have addressed your Lordships.

THE MARQUESS OF RIPON: I wish I had waited.

*THE MARQUESS OF LANSDOWNE: I desire to express my entire agreement with the noble Viscount behind me in what he has said as to the great difficulty, I may say the impossibility, of creating wholesale and all over this country a great system of small owners of land. It is perfectly true that owing to natural causes small owners in this country have gradually disappeared, and, so far as I have had personal experience, the attempts to create small ownerships have not been particularly encouraging. I am not going to inflict on the House my personal experience, but Lord Onslow's Committee had before it a very full account of an experiment of that kind in a part of England with which I am concerned. I should deprecate any attempt to create a system of small owners on a large scale, but that is not what Lord Dartmouth proposes. My noble friend suggests that in cases where land is taken compulsorily there should be the alternative of purchase, and I am in favour of that, because I am under the impression that if a small owner is to succeed he can only do so by an amount of hard work, and, indeed, drudgery, greater than any cultivator of the soil is ordinarily willing to undertake. The only incentive to exertions of that kind is to be found in the sentiment of ownership and in that feeling of responsibility which belongs to the man who knows that he has to sink or swim according as he makes his holding a success or not. There is another reason why I lean towards the Amendment of my noble friend. It is only by the creation of actual ownership that you will extricate yourselves from that web of complications which must be the inevitable accompaniment of a system of hiring. As long as you have merely a system of hiring, so long you will have claims and counterclaims, arbitrations, and appeals, and all the restrictions and reservations of which we so much desire to get rid. All this would disappear with actual ownership.

I will only say one word more before I sit down. I have a suspicion that his Majesty's Government prefer hiring, because they prefer to throw on the shoulders of others the responsibility they really ought to assume themselves. They are not going to put their bottom dollar on a system of small holdings; they want to put somebody else's bottom dollar on it. I venture to think that in that fact is to be found one explanation of the marked preference they have given to hiring. I shall vote for the Amendment because I wish to see the experiment of purchase as well as hiring tried under the Bill.

On Question, "That those words be there inserted," their Lordships divided: Contents, 116; Not-Contents, 40.

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House resumed, and to be again in Committee to-morrow.

MERCHANT SHIPPING (TONNAGE DEDUCTION FOR PROPELLING POWER) BILL.

Bill read 3ª (according to order), with the Amendments; and passed, and returned to the Commons.

LAND VALUES (SCOTLAND) BILL.

Bill brought from the Commons and read 1ª; to be printed; and to be read 2ª on Saturday next: (The Lord Hamilton of Dalzell). (No. 195.)

SMALL LANDHOLDERS (SCOTLAND) BILL.

*THE MARQUESS OF RIPON: Before the House adjourns I wish to make a statement as to what passed earlier in the day with respect to the question put to me by Lord Lansdowne. On considering the statement he made as to the intentions of the Opposition with respect to the Small Landholders (Scotland) Bill, and after consultation with others, I have to state that it is not the intention of the Government to proceed with that measure. Assuming that the Bill is only ot be read a second time for the purpose of recasting it on the lines indicated by my noble friend, it seems to the Government that such a proceeding is not likely to be in any real sense a *bona fide* Second Reading. It would, in fact, be not a case of reading one Bill a second time, but reading a second time another Bill entirely different from the first both in principle and effect, and, therefore, any time spent in that proceeding would be practically and really a mere waste of time and would lead to no fruitful result. I think it would be more in keeping with the duty of the Government and the frankness we owe to the House that we should say that we should offer the most strenuous opposition to such a proposal as that put forward. In these circumstances we think it better not to waste the time of the House by taking any further steps with regard to that Bill.

*THE MARQUESS OF LANSDOWNE: I am bound to say that we have heard the second statement of the noble Marquess with very great disappointment. The observations which he made to the House earlier in the evening led us to hope that we might count on the co-operation of noble Lords opposite in bringing within the reach of the people of Scotland some, at any rate, of the advantages which we believe they so much desire. Our co-operation would have been given gladly and in perfect good faith. It is quite true that there were certain proposals made by His Majesty's Ministers which we could not accept; but there were others which we were ready to discuss with them, not only with an open mind, but with a belief that they might have been passed into law greatly to the advantage of all concerned. Without the co-operation of His Majesty's Government it is quite clear that our task would present great, if not insurmountable, difficulties. All I can say is that we must consider the new situation which has been created, and that we greatly regret the decision at which the noble Marquess has arrived.

THE EARL OF ROSEBERY: I did not hear the preface, I am sorry to say, with which my noble friend began his announcement with regard to the fate of the Scottish Bill. I did not hear the ground on which he founded it, and, therefore, I am not prepared altogether to take up what he said; but I heard the announcement with which he concluded his remarks, in which he said it would be a waste of time for the House to continue its labours on that Bill in the circumstances of the remarks made by my noble friend behind me this afternoon. Well, I do not complain at all of the decision of the Government. I should be the last to complain of that decision of the Government, so far as it regards the Lowlands of Scotland. I deplore their disinclination to continue the valuable discussion in which we had entered, because—I hope my noble friends opposite will not think me discourteous in saying it—I had looked forward to the prolongation of the debate for the production of some one single argument in favour of the Bill. That argument has not been adduced in any discussion to which I have listened in this House. It is, however, a mere academical regret that the Bill is fated to disappear without any argument in its favour having been adduced in this House. What I would venture to point out to noble friends opposite is this, that they take on themselves a great and serious responsibility in throwing aside for another year those parts that relate to the crofters of Scotland, which have been received with great acceptance in this House, and which were eagerly looked forward to by the Highland population which they affected. They have done this in consequence of an announcement, not hostile to the policy of small land holdings of Scotland as a whole, but because the Bench on this side declared their preference for one of the two options of small land holdings policy offered by the Government. They preferred the English option as against the Scottish option. It is not on the ground of a hostile policy, that is what I want to make clear; it is on the ground that they are preferring one Government policy for another Government policy over that part of the island which is called the Kingdom of Scotland. I have one more thing to say—I am not sure I am in order in saying it; but whether I am or not, I am determined to say—that it is on the Government, and on the Government alone, that rests the postponement of all legislation for the amelioration of the condition of the crofter population in the Highlands, which was held out as an inducement to Parliament.

THE FIRST LORD OF THE ADMIRALTY (Lord TWEEDMOUTH): I think my noble friend who has just spoken has hardly realised the situation in which the Government has been placed by the action taken by the Opposition. What does that action amount to? The action they propose to take was simply to eviscerate the Bill proposed by the Government. I do not think that noble Lords opposite will deny that that is the effect of the proposals made by the noble Marquess. Under these circumstances it was impossible for us to meet noble Lords opposite. There was no desire to help the Bill through on the lines on which it was introduced, and it is impossible for us therefore to accept the proposals that were made. It was an impossible thing for us to ask the other House of Parliament to join in such a proceeding as noble Lords opposite have tried to force upon us.

VISCOUNT ST. ALDWYN: I would like to ask the noble Lord, did the members of the crofting counties who waited upon the Prime Minister complain that the Bill had been eviscerated, or did they ask him to proceed with the crofter clauses?

THE EARL OF CREWE: I believe we are all out of order, but, in reply to the noble Viscount, I can say that I believe, so far as my information goes, and it is not very extensive, though I hope so far as it does go that it is accurate, that those who were most qualified to speak for the northern parts of Scotland are quite willing to combine with those who represent the other counties in Scotland in supporting the action of His Majesty's Government in this matter.

LORD BALFOUR OF BURLEIGH: If necessary I will put myself in order, but I ask the House to grant me the same indulgence as it has granted to other noble Lords. We have never yet had any explanation of why the Government changed their original and excellent intention of legislating for the crofter districts of Scotland in a Bill by itself. That Bill was announced in the most gracious Speech from the Throne at the commencement of last session. At the same time it was intimated that other parts of the country, by which I suppose are included the Lowlands of Scotland and England, were the subject of inquiry, and that when those inquiries were completed legislation would be introduced. We have never yet had any explanation of the change from that original and excellent intention, but that change has been the cause of the difficulty in which we have been placed.

THE EARL OF CAMPERDOWN: Before the adjournment of the House, might I ask the noble Marquess a question with regard to another matter —the Land Values Bill. I understood the noble Marquess to say that he proposed to take the Second Reading on Friday. I wish to point out to him that there are already one or two Motions on the Paper for Friday, and also that it is a very early day to propose to take the Second Reading of a Bill which has only been brought into your Lordships' House to-night. We shall be on this Small Landholders Bill certainly all to-morrow, and if we proceed at the present rate we shall not finish to-morrow. Then I understand there is the Deceased Wife's Sister Bill, the Patents Bill, and also the Amendments to the Evicted Tenants Bill. In those circumstances I hope the noble Marquess will not hurry us so very much, as he will if he takes the Bill on Friday.

THE MARQUESS OF RIPON: I rise to move that this House do now adjourn. In doing so I have to say, in answer to the noble Lord who has just sat down, that perhaps it would be rather hurrying to take the Bill on Friday, and I would propose to take it on Saturday. I am afraid I shall be obliged to ask the House to meet on Saturday at twelve o'clock and sit till six, and, under those circumstances, I will put the Bill down for Saturday. When I move the adjournment of the House on Friday I shall make the Motion that we meet on Saturday from twelve till six.

House adjourned at five minutes before Twelve o'clock, till To-morrow, a quarter past Four o'clock.

HOUSE OF COMMONS.

Wednesday, 21st August, 1907.

The House met at a quarter before Three of the Clock.

PRIVATE BILL BUSINESS.

METROPOLITAN WATER BOARD (CHARGES, ETC.) BILL.

Lords Amendment, in pursuance of the Order of the House [19th August] considered, and agreed to.

YORK (MICKLEGATE STRAYS) (RE-COMMITTED) BILL [LORDS].

Ordered, That in the case of the York (Micklegate Strays) (Re-committed) Bill [Lords], Standing Orders 84, 214, 215, and 239 be suspended, and that the Bill be now taken into consideration.—(*The Chairman of Ways and Means.*)

Bill, as amended, accordingly considered.

Ordered, That Standing Orders 223 and 243 be suspended, and that the Bill be now read the Third time.—(*The Chairman of Ways and Means.*)

Bill accordingly read the third time and passed, with Amendments.

STANDING ORDER (PRIVATE BUSINESS).

THE CHAIRMAN OF WAYS AND MEANS (Mr. EMMOTT, Oldham) moved a series of Amendments to Standing Orders. He explained that the alteration of Standing Order 5 was intended to place electric generating stations under the same regulations as Gas-works; with regard to Standing Order 36a, that had, he said, been practically in force a considerable time, Standing Order 38, while in respect of No. 98 the change had become desirable in view of the fact that the meetings of the Committee of Selection and the Standing Orders Committee clashed sometimes, and the Chairman of the former Committee found himself in consequence of the increasing work of this Committee unable to attend. The other Amendments were mainly consequential, but he would be happy to give any explanation that might be asked for. He begged to move.

SIR A. ACLAND HOOD (Somersetshire, Wellington) asked if the Amendments were to be put *en bloc* or separately, there were one or two on which the House ought to have some information?

MR. SPEAKER said the practice of his predecessor was, if no objection were taken, to put them *en bloc*, but if any objection were raised to any particular Amendment, then he put only those down to that Amendment. He proposed to follow that course to-day.

SIR A. ACLAND-HOOD said he would like to hear more about 29b and 98.

MR. MORTON (Sutherland) asked if these Amendments had appeared on the Paper before, and if they had been considered by a Committee or otherwise, and were all right.

MR. EMMOTT: They have been considered in the ordinary way, and I certainly can say they are all right. They have been on the Paper two or three days. If it is desired to leave over any till tomorrow, I am quite willing. 29b I may say, merely means that the rural district council will have the plans deposited with them. That is pressed for by the Department of Agriculture. With regard to 98, the Chairman of the Committee of Selection finds it almost impossible to attend the meetings of the Standing Orders Committee.

SIR A. ACLAND-HOOD said he was satisfied with regard to 29b, but as regards 98 he would prefer it should stand over till the next day.

MR. EMMOTT: Certainly.

Standing Order 5 was read, and amended, in line 4, by leaving out the word "or," and by inserting after the word "Disease," the words "or station for generating electrical energy."

In line 8, by leaving out the first word "or," and by inserting after the word "Hospital," the words "or generating station," and by leaving out from the word "constructed," to the end of the Standing Order.

Standing Order 15 was read, and amended, in line 5, by leaving out the words "on specified lands."

Standing Order 29 was read, and amended, in paragraph (b), line 1, by inserting, after the word "Borough," the words "or any Rural District."

In paragraph (d), line 3, by leaving out the words "and with the clerk of the district council."

Standing Order 33 was read, and amended, in paragraph (1), line 2, by leaving out the words "at the Local Government Board," and by inserting, after paragraph (1), the following new paragraph—

"(2) Of every Private Bill relating to England and Wales, at the Office of the Secretary of State for the Home Department and at the Local Government Board," and by leaving out paragraph (7).

In paragraph (10), line 1, by leaving out from the word "Bill," to the end of the Paragraph, and inserting the words "relating to England and Wales which in any manner affects education or educational endowments, or alters the boundary of any county, borough, or urban district, or affects the incidence of any local rate out of which any educational expenditure is payable, at the Office of the Board of Education."

Ordered, That on or before the thirty-first day of December copies of the estimates of expenditure for any permanent works proposed to be executed by any municipal corporation, district council, joint board or joint committee, or other local authority in England or Wales, shall be deposited at the Private Bill Office, and at the Office of the Board of

Trade or of the Local Government Board, as the case may require.

The estimates shall be in the following form, or as near thereto as circumstances may permit :—

Estimates for Permanent Works.

	£	s.	d.
Purchase of land and easements - - - -			
Buildings (specifying generally their nature) - - -			
Reservoirs, filter beds, &c. -			
Tunnels, embankments, dams, etc. - - - - - -			
Trunk mains and main sewers -			
Other mains, pipes, sewers, and sewage disposal works -			
Other works grouped with regard to the probable life of the works - - - -			

If any moneys are required to be borrowed to meet any excess of expenditure previously authorised by Parliament, the Board of Trade, or the Local Government Board, there shall be deposited with the said estimates a statement of the purposes and reasons for the borrowing.

Together with the said estimates there shall be deposited a statement showing the following particulars with respect to the district of the local authority, that is to say : (a) area of the district ; (b) population according to the last census ; (c) rateable and assessable value according to the last valuation list ; (d) rates made in the district during the last preceding financial year ; (e) the sum of the balances of outstanding loans contracted by the local authority ; and (f) the amount of the outstanding loans to which the limitation of section two hundred and thirty-four of The Public Health Act, 1875, applies.

Resolved, That this Order be a Standing Order of this House.

Standing Order 38 was read, and amended, in page 66, lines 33 and 34, by leaving out the words "as regards London, the Secretary of State for the Home Department, and."

In line 35, by leaving out the words "(outside London)."

Standing Order 84 was read, and amended, in line 4, by leaving out from the word "deposited," to the end of the Order, and inserting the words "at every office at which it was deposited under Standing Orders 33 and 34, or would be required to be deposited under those Orders if it had been originally introduced as amended in Committee."

Standing Order 172 was read, and amended, at the end, by adding the words—

Copies of the estimates and statements deposited in accordance with Standing Order 36a shall be laid before the Committee for the purposes of this Order.

Standing Order 187 was read, and amended, in line 4, by leaving out the word 'or."

In line 5, by inserting after the word "disease," the words "or station for generating electrical energy."

In line 7, by leaving out the first word "or," and inserting, after the word "Hospital," the words "or generating station."

In line 8, by leaving out from the word "constructed," to the end of the Standing Order.—(*The Chairman of Ways and Means.*)

LANARKSHIRE COUNTY COUNCIL ORDER CONFIRMATION BILL [LORDS]

Considered ; to be read the third time to-morrow.

MESSAGE FROM THE LORDS.

That they have agreed to :—Local Government Provisional Orders (No. 14) Bill ; Local Government Provisional Order (No. 15) Bill, with an Amendment ; Local Government Provisional Orders (No. 1) Bill ; Local Government Provisional Orders (No. 2) Bill ; Local Government Provisional Orders (No. 4) Bill ; Local Government Provisional Orders (No. 5) Bill ; Local Government Provisional Orders (No. 7) Bill ; Local Government Provisional Orders (No. 8) Bill ; Local Government Provisional Orders (No. 9) Bill ; Local Government Provisional Orders (No. 10) Bill ; Local Government Provisional Orders (No. 11) Bill ; Local Government Provisional Orders (No. 12) Bill, with Amendments.

PETITIONS.

WEEKLY REST-DAY BILL.

Petition from London and other places, in favour ; to lie upon the Table.

BOARD OF EDUCATION.

Copy presented, of Supplementary Regulation for Secondary Schools in England, 1907 [by Command]; to lie upon the Table.

RETURNS, REPORTS, ETC.

HIGHER EDUCATION (ENGLAND AND WALES) (APPLICATION OF FUNDS BY LOCAL AUTHORITIES).

Return presented, relative thereto [ordered 2nd August, 1906; Mr. Mc Kenna]; to lie upon the Table, and to be printed. [No. 325.]

UNEMPLOYED WORKMEN ACT, 1905.

Return presented, relative thereto [ordered 20th August; Mr. Burns]; to lie upon the Table, and to be printed. [No. 326.]

ARMY.

Copy presented, of Memorandum on the Militia and Yeomanry [by Command]; to lie upon the Table.

ARMY.

Copy presented, of Report of the Advisory Board, London School of Economics, on the First Course, at the London School of Economics, January to July, 1907, for the Training of Officers for the Higher Appointments on the Administrative Staff of the Army and for the Charge of Departmental Services [by Command]; to lie upon the Table.

GOVERNMENT DEPARTMENTS (CONTRACTS.)

Return presented, relative thereto [ordered 20th June; Sir Howard Vincent]; to lie upon the Table, and to be printed. [No. 327.]

TREATY SERIES (No. 24, 1907).

Copy presented, of Supplementary Agreement between the United Kingdom and Sweden for the Mutual Surrender of Fugitive Criminals; signed at London 2nd July, 1907 [by Command]; to lie upon the Table.

PRIVATE LEGISLATION PROCEDURE (SCOTLAND) ACT, 1899.

Return ordered, "of all the Draft Provisional orders under the Private Legislation Procedure (Scotland) Act, 1899, which in the session of 1907 have been reported on by Commissioners together with the names of the Commissioners; the first and also the last day of the sittings in each group; the number of days on which each body of Commissioners sat; the number of days on which each Commissioner has served; the number of days occupied by each Draft Provisional Order before the Commissioners; the Draft Provisional Orders the Preambles of which were reported to have been proved; and the Draft Provisional Orders the Preambles of which were reported to have been not proved. ."—(*Mr. Sinclair.*)

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

Notice of Meetings of Land Tax Commissioners.

Colonel A. GARDNER (Herefordshire, Ross): To ask the Secretary to the Treasury whether his attention has been called to the fact that, although The Land Tax Commissioners Act, 1906, expressly states that the Treasury shall cause notice to be given to each Commissioner of all meetings of the Commissioners of the county, etc., the clerk to the Land Tax Commissioners in the Ross Division of Herefordshire has repeatedly failed to notify many of the Commissioners of meetings which have been held since that Act came into operation; and whether he will take such steps as will ensure obedience to the provisions of the Act.

(*Answered by Mr. Runciman.*) I have made inquiries on this subject, and I am informed that only two meetings of the Land Tax Commissioners referred to have been held this year, and that notice was given of each meeting to each Commissioner, resident in the district, in accordance with the instructions issued by the Board of Inland Revenue under the Act of last session.

Promotion in the Post Office—Cases of Messrs J. Y. Bell and R. M. Stewart.

Mr. FIELD (Dublin, St. Patrick): To ask the Postmaster-General whether he will state the respective numbers of deputy staff officers, first-class clerks, second-class clerks, and third-class clerks in the supplementary establishment of the Secretary's Office who have longer service in the Post Office than Messrs. J. Y. Bell and R. M. Stewart, respectively, who were recently promoted to first-class clerkships of the Higher Division in the Secretary's Office.

Mr. FIELD: To ask the Postmaster-General whether the two vacancies as second-class clerks of the Higher Division recently created in the Secretary's Office by the promotion of Messrs. Bell and Stewart will be filled by the promotion of experienced and efficient officers of the supplementary establishment, many of whom have from twenty to thirty years service in the Post Office; and, if not, will he explain how the filling of these vacancies by officially inexperienced young men from a Higher Division, Class I., examination is in the interests of the public service.

Mr. FIELD: To ask the Postmaster-General whether, seeing that Messrs. J. Y. Bell and R. M. Stewart were recently promoted to first-class clerkships of the Higher Division in the Secretary's Office, with increase of salary from £255 to £550 and from £225 to £550, respectively, that these two officers entered the Post Office service so lately as November, 1899, and December, 1901, respectively, that many officers amongst the third-class clerks, second-class clerks, first-class clerks, and deputy staff officers of the supplementary establishment have three, four, and five times the service of either of these two recently-promoted officers, he will explain why the more experienced and more efficient officials of the supplementary establishment did not get these two promotions.

(*Answered by Mr. Sydney Buxton.*) I will answer the hon. Member's three Questions together. I consider that it is in the interest of the public service to recruit the higher grades in the Secretary's Office as a rule by the open Class I. competition, which attracts much of the best material from the Universities and secures a high standard of ability and education in the successful candidates. Promotions are occasionally made from the supplementary establishment to the Second Class of the Higher Grade, if candidates with very exceptional qualifications are available, but the comparisons of length of service which the hon. Member suggests have no direct bearing upon the matter.

Sale of Lord Kilmorey's Estate.

Mr. SLOAN (Belfast, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Estates Commissioners have yet fixed the price or percentage, under Section 23 (11) of the Land Act of 1903, for negotiating the sale of Lord Kilmorey's estate, county Down, and, if not, can they say when it is likely to be fixed and the sale completed; whether they are aware that assistance in the work of the sale and the furnishing of all the particulars of the estate was given by the clerk of the Kilmorey estate office; and will they, before the payment of the negotiating fees, arrange that this clerk shall receive proper remuneration for his work, in which his experience and knowledge of the estate were particularly useful.

(*Answered by Mr. Birrell.*) The Estates Commissioners inform me that the sale of the estate referred to will not be completed for some time, and consequently they are not at present in a position to consider the payment of a negotiation fee under Section 23 of the Act of 1903. The Commissioners are not aware that the clerk in the estate office took part in negotiating the sale, and they cannot therefore express any opinion in the matter at present.

Treatment by Police of Jeremiah Cotter, of Ballingeary.

Mr. SHEEHAN (Cork County, Mid.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether his attention has been drawn to the fact that in the case of Jeremiah Cotter, of Ballingeary, recently heard at the Cork assizes, this young man was arrested whilst his life was certified to be in danger by the medical officer for the district, Dr. Goold; that his father's house was broken into by the police under District Inspector Dale; that he was subjected to cruel ill-treatment, together with his father, an old man of eighty years, by being forced to walk to Inchigeelagh, a distance of five miles, and to travel from thence to Dunmanway, a distance of twelve miles, in an open car; and will he state whether any redress will be given to Jeremiah Cotter in these circumstances.

(*Answered by Mr. Birrell.*) Jeremiah Cotter was arrested by the police on 5th April upon a warrant for the offence of unlawful assembly in September last, since when he had been evading arrest. When Cotter was being arrested an attack was made upon the police, one of whom was seriously injured. Cotter escaped from custody, having also sustained severe injury. He was re-arrested in his father's house on the following morning and conveyed to Dunmanway, together with his father, against whom a charge of assault was preferred. When the men had been taken four miles on the journey, a telegram, purporting to come from Dr. Goold, was produced stating that Jeremiah Cotter was unfit to be removed. He appeared, however, to be quite fit to travel, and was therefore taken on to Dunmanway by the police. It has not been alleged that he suffered any evil consequences from the journey. He was subsequently convicted of the offence of unlawful assembly, but he and his father were acquitted upon the charge of assaulting the police. I am not aware of any grounds for giving him redress.

Ballingeary Riots.

MR. SHEEHAN: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether his attention has been called to the fact that Sergeant M'Elligott, of Ballingeary, stated in his sworn evidence both at Limerick and Cork Assizes that certain specified persons were present at and took part in what are known as the Ballingeary riots; is he aware that these persons, to the number of three or four, produced evidence to prove that they were not present at all on the occasions referred to and were acquitted by the jury, and that a special rider to their verdict was added by the jury to the effect that not one of these accused men were present at all; and, seeing that Sergeant M'Elligott was guilty of bearing false witness against these men, will he be indicted for perjury or dismissed, as Sergeant Sheridan was.

(*Answered by Mr. Birrell.*) I am informed that some of the defendants in the Ballingeary riot case were tried at Limerick winter assizes, and others, who had evaded arrest, were tried at Cork summer assizes. The chief witness against the accused was Sergeant M'Elligott, upon whose evidence thirteen persons in all were convicted or pleaded guilty. Several other defendants were acquitted, not upon the ground that they were not present on the occasion, but simply because it was not shown that they had committed any overt act in connection with the unlawful assembly. The Judge referred to the honesty and impartiality of the police witnesses, and the police authorities have no knowledge of the rider which the jury is stated to have added to their verdict. Upon these facts there appears to be no foundation for the suggestion that Sergeant M'Elligott gave untruthful evidence.

Wexford Rural Cottages.

MR. SHEEHAN: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that the rent ordinarily charged for labourers cottages in the Wexford rural district are ninepence or tenpence per week, and that when the occupiers of these cottages are unable to obtain employment in their own neighbourhood and have to go elsewhere in search of it, these rents are increased to one shilling and tenpence per week; will he say whether this increase has at any time obtained the sanction of the Local Government Board; is there anything in the Labourers Acts which entitles district councils to vary the rents charged to labourers in this manner; have two tenants named Nicholas Prendergast and James Ronan been recently evicted by the Wexford Rural District Council because they have declined to pay this rackrent; and, seeing the hardship that is inflicted on the occupiers in circumstances such as these stated, will he use his influence with the Local Government Board to prevent increases of rent on labourers who are forced by local exigencies to temporarily seek employment outside their own district.

(*Answered by Mr. Birrell.*) The Wexford Rural District Council have provided a large number of labourers cottages, the rents of which are ordinarily only ninepence or tenpence a week. Some of the tenants have made a practice during the busy season of leaving their families in the cottages and going outside the district to obtain more remunerative employment, thus leaving the farmers without labourers and defeating the object for which labourers cottages are provided. In order to counteract this practice the council have made it a usual condition of letting that any tenant who so absents himself should pay the full rent of the cottage, as based on actual expenditure, and not merely the reduced rent charged to a labourer who gives the district the benefit of his labour. The Local Government Board do not consider this to be an unreasonable condition, but in any case they have no power to interfere with the council's discretion in the matter. The two persons named in the Question were tenants who, having gone elsewhere, had refused to pay the full rent charged by the council. The council, however, directed that they should be reinstated on paying the amount due.

Exports.

Mr. PIKE PEASE (Darlington): To ask the President of the Board of Trade if he will state what is the total value of coal, pig iron, and all other commodities exported during the last financial year.

(*Answered by Mr. Lloyd-George.*) The total value of the exports (including re-exports) from the United Kingdom during the financial year ended 31st March last amounted to £474,958,962, of which £6,716,905 consisted of pig iron and £31,389,538 of coal.

Scudamore Charity.

Mr. T. F. RICHARDS (Wolverhampton, W.): To ask the hon. Member for the Elland Division, as representing the Charity Commissioners, whether he is aware that, owing to the persistency of several residents in the Holme Lacey district regarding the disbursement of the Scudamore charity, six tenant farmers are under notice to leave their farms through the action they are alleged to have taken; whether he is aware that the landlord of these tenants is the trustee who has since agreed to a new scheme being drawn up for the future administration of this charity; and whether he can in any way protect these tenants from a landlord whose administration of a charity has been the subject of a public injury.

(*Answered by Mr. Trevelyan.*) The Commissioners have no power to make inquiries as to the relations between landlords and their tenants or to take any action on any information which may be given to them.

Holme Lacey Charities.

Mr. T. F. RICHARDS: To ask the hon. Member for the Elland Division, as representing the Charity Commissioners, whether he will explain why the Assistant Commissioner, who held the inquiry into the Holme Lacey charities, did not make any inquiries from the clerk to the parish council as clerk to the trustees, but made his investigations in the company of the steward of the trustee whose disbursement of the charity was the subject of the inquiry.

(*Answered by Mr. Trevelyan.*) The Assistant Commissioner who held the inquiry into the Holme Lacey charities made his investigations at Holme Lacey prior to the public inquiry, not merely through the agent of the Holme Lacey estate but also through the chairman of the present parish council and the chairman of the administering trustees of the parochial charities.

Mr. T. F. RICHARDS: To ask the hon. Member for the Elland Division, as representing the Charity Commissioners, whether he is aware that the Holme Lacey Parish Council, who will have the administration of the Holme Lacey charities unless otherwise determined, is composed of a majority of the recent trustees' servants, viz., head steward, head gardener, and head mason; whether he will bear this fact in mind in drawing up the new scheme; whether this new scheme will include the Prynce's charity; whether any account has been rendered for the wood that has been felled upon these charity lands since 1837; if so, can he state the amount felled and the amount of money received for the same, and has this amount been disbursed; and, if so, in what way.

(*Answered by Mr. Trevelyan.*) The Commissioners have no knowledge of the position of the members who compose the parish council of Holme Lacey. They are bound to regard the council as representative of the parochial electors. It is proposed to deal with the non-parochial charities of the Honourable Jane Scudamore and the parochial charities of the Honourable Mary Prynce and Sir John Scudamore by separate schemes. From an account book of the administering trustees produced to the Assistant Commissioner, it appears that since 1895 the total sum received for fellage of timber on the land belonging to the Honourable Mary Prynce's charity amounts to £70 1s. 4d., which, with other moneys, has been expended upon repairs to buildings and other improvements to the charity estate.

Woolwich Arsenal Pensions.

MR. LEVERTON HARRIS (Tower Hamlets, Stepney): To ask the Secretary of State for War whether Thomas White, who was discharged from Woolwich Arsenal with a pension on 4th April, 1903, after over forty-five years service, is entitled to a medal; and, if so, when he will receive it.

(*Answered by Mr. Secretary Haldane.*) This man was not recommended for a medal, and therefore is not entitled to it.

Fair Wages Resolution.

MR. T. F. RICHARDS: To ask the Secretary of State for War what steps have been taken by his department to give effect to the Resolution concerning the conditions of labour under his department agreed to by the House on 8th March, 1906.

(*Answered by Mr. Secretary Haldane.*) If my hon. friend will look again at the Votes and Proceedings of that date he will see that the Amendment proposed by the hon. Member for Leicester, to which he is evidently alluding, on the Question that the Speaker leave the Chair, was not agreed to by the House.

Imperial Yeomanry.

MR. FIENNES (Oxfordshire, Banbury): To ask the Secretary of State for War what will be the exact pay and allowances of the men in the Imperial Yeomanry who accept service under the new Territorial Army scheme.

(*Answered by Mr. Secretary Haldane.*) In cases coming under the new conditions, non-commissioned officers and men will draw daily during the annual training cavalry rates of pay: 1s. camp allowance, and 6d. ration allowance; and, if present at training and certified to be efficient in equitation, they will receive equitation bounty of £1. Married non-commissioned officers will also be granted separation allowance.

Netley Hospital Discharges.

MR. GRETTON (Rutland): To ask the Secretary of State for War if he is aware that soldiers injured in the public service have lately been discharged from Netley Hospital as incurable and without reasonable provision for their support; and if, in view of the obligations imposed upon all employers in the United Kingdom to make provision for their workpeople injured in the course of their employment, he will take steps to remedy this system of treatment of soldiers crippled in the national service depending for their maintenance upon private charity.

(*Answered by Mr. Secretary Haldane.*) The general subject to which this Question refers was thoroughly discussed by the House last November, and I must ask the hon. Member, who was not at that time a Member of the House, to refer to the debate of 8th November, in which he will find ample information in regard to the points he now raises.

Sir Thomas Finlay Estate, Bawnboy.

MR. VINCENT KENNEDY (Cavan, W.): To ask the Chief Secretary to the

Lord-Lieutenant of Ireland if he is aware that some seventy tenants on the Sir Thomas Finlay estate, in Chancery, near Bawnboy, who bought their holdings under the Ashbourne Act at sixteen and eighteen years purchase, have had to be sued subsequently for their annuities; is he aware that it is now proposed to sell the balance of the agricultural portion of this estate at twenty-three years purchase, and the village of Bawnboy portion of the estate at thirty years purchase; and will he, in view of the fall in price of farm products owing to increasing foreign competition and the increased cost of labour, have the terms of this sale reviewed so as to prevent the fixing of annuities on a basis that could not be met.

(*Answered by Mr. Birrell.*) I am informed that out of seventy-seven tenant purchasers on the estate referred to only six have had to be sued for the recovery of their instalments. As regards the portion of the estate which has not yet been sold, the Estates Commissioners inform me that no proceedings for sale have yet been instituted before them, and they have no knowledge of any negotiations for sale which may in progress.

Danish Trade—Copenhagen Port.

Mr. BELLAIRS (Lynn Regis): To ask the President of the Board of Trade whether his attention has been drawn to the Foreign Office Report on the trade of Denmark in 1906 and the opinion there expressed, on page 17, of how the establishment of the free port of Copenhagen twelve years ago has made it the central emporium of the Baltic trade and led to the founding of many new steamship lines; whether he can state the names of all the free ports on the Continent of Europe; and whether the information concerning their working has been collected in any one volume to which the public has access.

(*Answered by Mr. Lloyd-George.*) A Return giving the names of all the free ports on the Continent of Europe and certain particulars with regard to each port, based upon Reports obtained through the Foreign Office from His Majesty's Consuls, was ordered by the House of Commons and issued in the session of 1904 (Continental Free Ports, No. 344, of session 1904).

Naval Prisons.

Mr. BELLAIRS: To ask the Civil Lord of the Admiralty in what localities outside the United Kingdom naval prisons are situated; and what were the total establishment, victualling charges, and the maximum and minimum number of prisoners for each prison in 1906–7, so far as the information is readily available, and with special regard to information about the prison at the Cape of Good Hope.

(*Answered by Mr. Lambert.*) The naval prisons outside the United Kingdom are situated at Hong Kong, Cape of Good Hope (Simon's Bay), and Sydney. The total establishment (of governor and warders) at each is eight, five, and eight, respectively. The victualling charges for the prisoners for 1906–7 were £90, £62, and £102, respectively. £157 is allowed at Sydney in lieu of provisions for the prison staff. At the two other prisons the prison staff is made up of naval ratings. The maximum and minimum number of prisoners in 1906–7 was:—

Hong Kong -	20 to 5
Cape of Good Hope -	13 to 0 (for 14 days.)
Sydney - -	20 to 2

Naval Reserve.

Mr. GRETTON: To ask the Secretary to the Admiralty what reserve of naval officers, seamen, and marines is available in the United Kingdom after commissioning for war all the vessels of the Home Fleet not including those attached to the vessels of the different fleets under repair or the Royal Naval Reserve.

(*Answered by Mr. Lambert.*) It would not be in the interests of the public service to give this information.

Cardiff Postmastership.

Mr. JAMES O'CONNOR (Wicklow, W.): To ask the Postmaster-General whether he can state why the vacancy for the postmastership of Cardiff, caused by the superannuation of the postmaster, was not advertised in the Weekly Circular, and that on 13th August, 1907, notification was given in the Post Office Circular that Mr. T. T. Fairgray, postmaster of Exeter, with a salary of £625, had been promoted to Cardiff, salary £750, not giving every officer an equal chance of making application, and why Mr. Fairgray was appointed to the postmasterhip of Shrewsbury, 28th January, 1902, salary £550, and postmaster of Exeter 10th November, 1903, salary £625, although no notification was given in the Official Circular of the vacancy at Exeter; and whether Shrewsbury and Exeter are the headquarters of the Post Office district surveyors.

(*Answered by Mr. Sydney Buxton.*) The vacancy in the postmastership of Cardiff occurred just after other postmasterships with similar salary had been advertised, and as the names of all possible candidates had already been collected there was no necessity or advantage in advertising the vacancy at Cardiff. Mr. Fairgray was appointed to the postmasterships named by the hon. Member because on each occasion he was considered to be the most suitable officer for the position. Shrewsbury and Exeter are the headquarters of district surveyors, but the hon. Member is mistaken if he thinks that appointments to postmasterships are made by the district surveyors.

Excise Revenue Frauds in Scotland.

MR. FIELD: To ask the Secretary to the Treasury whether he is aware that an Excise official named Mr. A. R. H. Haslam reported another Excise official named Mr. William Stead to his collector and supervisor for allowing, participating in, and inciting to frauds on the Revenue and on property owners at a certain distillery or warehouse in Scotland; that, in consequence of the inaction of the collector and supervisor, Mr. Haslam reported the matter direct to the Board of Inland Revenue; and that Mr. Stead was summarily dismissed from the Excise service, after an inquiry was held by two inspectors; will he say why Mr. Haslam, as prosecutor, was not allowed to hear or see the evidence given before these two inspectors by the collector, supervisor, and other officials and employees; whether, seeing that Mr. Haslam was commended by the Board for having brought the irregularities under their notice, he will explain why the Board did not inflict any punishment on the collector and supervisor; and why Mr. Stead has not been prosecuted for fraud and smuggling by the Board of Inland Revenue as a result of its inquiry.

(*Answered by Mr. Runciman.*) The Board of Inland Revenue inform me that there is no ground for imputing inaction to the collector or supervisor in the case referred to. Mr. Stead lost his position and his right to pension after long service as a result of the complaint made against him, and in the opinion of the Board he was thereby adequately punished for his offence.

Glengassaugh Distillery Excise Officer.

MR. FIELD: To ask the Secretary to the Treasury whether, seeing that Mr. Haslam, late first-class excise officer at Glengassaugh Distillery, has been superseded for alleged insubordination, that Mr. Haslam incurred the displeasure some time previously of his collector and supervisor and the investigating inspector and practical advisers of the Board of Inland Revenue at Somerset House by reporting charges of fraud which were prevalent at distilleries and warehouses, that the gravity of these charges was minimised by these officials on the ground that a full inquiry and exposure would lead to serious consequences, that Mr. Haslam's only act of alleged insubordination consisted in not obeying his superior officer in the carrying out of instructions regarding an excess charge which were contrary to the Statute Law and the Inland Revenue Regulations, he will explain whether Excise officials are held blameworthy if they obey a superior in the commission of an illegal act; if so, will he say why Mr. Haslam has been punished for refusing to carry out what he considered an illegal order on the part of his superior; and will he now move the Board of Inland Revenue and the

Treasury to give further consideration to this matter.

(*Answered by Mr. Runciman.*) I have nothing to add to the numerous replies given by my predecessor on this subject last session.

Alleged Malpractices in the Customs and Revenue Services.

MR. FIELD: To ask the Secretary to the Treasury whether, seeing that officers of Inland Revenue stationed at distilleries, managers and clerks at distilleries and distillers' duty free warehouses, Customs and Excise officers and employees at duty free (bonded) warehouses, and men employed in the working of warehouses in which wines and spirits are stored free of duty pending removal, are in the habit of obtaining wines and spirits gratis, and free of duty, for removal to their homes, that this is especially the case at distillers' warehouses in Scotland, that this custom involves losses to property owners and to the Revenue, that Excise and Customs officers in high places are chiefly responsible for this state of affairs, and that this custom has an injurious effect on the health and probity of these Customs and Excise officers, he will cause the Board of Inland Revenue to issue such stringent regulations on this subject as will effectually safeguard the Revenue and property owners from such losses.

(*Answered by Mr. Runciman.*) I am not aware of any foundation for this serious charge against the members of the Customs and Excise services. If the hon. Member is able to produce evidence in support of his allegation, I will cause each case to be investigated.

Income-Tax on Underwriting Commissions.

MR. HARMOOD-BANNER (Liverpool, Everton): To ask Mr. Chancellor of the Exchequer why instructions have been given to surveyors of income-tax to enforce for the first time the collection of income-tax on underwriting commissions on shares, and treat such commissions as profit at a time when every transaction is showing a loss to the underwriters in the capital value of any shares allotted.

(*Answered by Mr. Asquith.*) No general instructions of the character referred to have been given to surveyors of taxes, nor have the Board of Inland Revenue been able to trace any particular case of the kind referred to in the Question; but if the hon. Member will give me details of such a case, I will have inquiry made into the matter.

Deaths from Plague in India.

MR. GLOVER (St. Helens): To ask the Secretary of State for India what was the number of deaths from the plague for each of the Presidencies of India, and for each month for the years 1904, 1905, and 1906, and end of June, 1907.

(*Answered by Mr. Secretary Morley.*) A comprehensive Return of Plague Deaths in each month in each Province of British India and in Native States, from October, 1896, to April, 1907, was recently published by the Government of India. It will probably be found by the hon. Member to meet his requirements. I will send him a copy, with figures added for May and June, 1907.

Cost of Military Prisons outside United Kingdom and India.

MR. BELLAIRS: To ask the Secretary of State for War in what localities, outside the United Kingdom and India, military prisons are situated; and what were the total establishment, victualling charges, and the maximum and minimum number of prisoners for each prison in 1906–7, so far as the information is readily available.

(*Answered by Mr. Secretary Haldane.*) The information as regards detention barracks, as the military prisons outside the United Kingdom are now called, is as follows:—

	Establishment.	Soldiers under sentence during the year 1906.		Victualling charges (approximately).
		Maximum number.	Minimum number.	
Detention barracks:				£
Bermuda	4	18	1	137
Cairo	9	40	10	356
Gibraltar	12	82	38	683
Hong Kong . . .	4	20	1	94
Jamaica	5	9	Empty on various dates	114
Kandy	4	12	do.	89
Malta	15	93	16	898
Mauritius	5	24	4	235
Pretoria	13	82	27	*
Sierra Leone . . .	3	14	2	153
Singapore	5	13	Empty on various dates	97
Wynberg	11	63	21	*
Branch detention barracks:				
Bloemfontein . . .	2	16	Empty on various dates	*
Harrismith . . .	2	10	do.	*
Khartoum	2	2	1	26
Middelburg, Cape Colony .	2	14	Empty on various dates	*
Potchefstroom . . .	2	19	do.	*
Standerton . . .	2	13	do.	*

* £1,866, South Africa (cannot be given separately).

QUESTIONS IN THE HOUSE.

German Navy Bill.

MR. CLAUDE HAY (Shoreditch, Hoxton): I beg to ask the Secretary to the Admiralty whether, having regard to the fact that no translation of the German Navy Bill, 1906, nor of the German Estimates, is available, and that copies of the Bill and of the Estimates are not purchasable in Berlin, he will cause copies of the Admiralty translations of these documents to be placed in the library to enable the House to be informed as to the proposals of the German Government as to the German Navy.

THE CIVIL LORD OF THE ADMIRALTY (Mr. LAMBERT, Devonshire, South Molton): I have already stated, in reply to a previous question from the hon. Member, that it is not the custom of the Admiralty to present to the library anything except their own publications.

Government Buildings and Reinforced Concrete.

MR. WHITEHEAD (Essex, S.E.): I beg to ask the Secretary to the Admiralty whether the Admiralty have made use of reinforced concrete in connection with Government works or buildings; whether the material has been found suitable and economical; whether it has given satisfaction; and when first was it used for Admiralty purposes.

MR. LAMBERT: Reinforced concrete is used by the Admiralty in the construction of floors, jetties, etc. Though the prime cost is higher than that of timber, the small cost of maintenance renders it more economical, and there is no reason to anticipate that it will not continue to be satisfactory. It was first used in large works in 1904.

Birmingham Chamber of Commerce and the Australian Tariffs.

MR. HAROLD COX (Preston): I beg to ask the Under-Secretary of State for the Colonies whether Lord Elgin has received a communication from the Birmingham Chamber of Commerce representing that serious injury will be inflicted on Birmingham industries by the new British preferential tariff introduced into Australia by Mr. Deakin and Sir William Lyne; and what action Lord Elgin proposes to take in the matter.

THE UNDER-SECRETARY OF STATE FOR THE COLONIES (Mr. CHURCHILL, Manchester, N.W.): Yes, Sir; as I stated yesterday, a letter making representations to this effect and asking that the operation of the tariff might be postponed has been received and communicated to the Commonwealth Government by telegraph. A reply was received to-day as follows:—"Australian practice (is) to collect new duties from date Resolutions are laid before Parliament. Not practicable (to) accede to request (of) Birmingham Chamber of Commerce."

MR. HAROLD COX: Does the Birmingham Chamber of Commerce intend to take this lying down?

SIR GILBERT PARKER (Gravesend) asked the right hon. Gentleman whether he did not think that the Chamber of Commerce, like the Government, should enter into negotiations.

MR. CHURCHILL: I should be loth to express an opinion as to what action ought to be taken in these or any circumstances by the Birmingham Chamber of Commerce.

The Cullinan Diamond.

MR. LONSDALE (Armagh, Mid.): I beg to ask the Under-Secretary of State for the Colonies whether the Secretary of State has been approached by the Government of the Transvaal with reference to the proposal to present the Cullinan diamond to the Crown; and, if so, what advice has the Secretary of State given to the Transvaal Government.

MR. CHURCHILL: No, Sir; the Secretary of State has not been approached by the Transvaal Government and has given no advice upon this subject.

Transvaal Civil Service.

MR. LONSDALE: I beg to ask the Under-Secretary of State for the Colonies whether he is aware that the reorganisation of the Transvaal Civil Service is being carried out in such a way as to involve the wholesale displacement of British officials by Boers; and whether any representations have been or will be addressed by His Majesty's Government to the Government of the Transvaal on this subject.

MR. CHURCHILL: The Secretary of State does not think that the first part of the hon. Member's question correctly represents the facts. On the general question of retrenchment, His Majesty's Government have nothing to add to the statement made by me on the 19th inst. in moving the Second Reading of the Guaranteed Loan Bill.

SIR GILBERT PARKER: If the British Government were assured that British officials were being displaced through racial prejudice would they feel it incumbent on them to make friendly representations?

MR. CHURCHILL: It would be very undesirable that we should impute motives to a self-governing Colony in respect of an action that is absolutely within its own scope and authority. A large number of displacements occurred before this Government came into office.

MR. MACKARNESS (Berkshire, Newbury) asked whether General Smuts had not declared that the Transvaal Government had no intention of making any discrimination.

MR. CHURCHILL: I believe that is so.

Isle Royale.

MR. LEVERTON HARRIS (Tower Hamlets, Stepney): I beg to ask the Under-Secretary of State for the Colonies whether the British flag has been hoisted upon the Isle Royale, Lake Superior; and, if so, was this done by the instructions or with the approval of His Majesty's Government.

MR. CHURCHILL: The following telegram has been received from Lord Grey: "Referring to your telegram of 8th August, hoisting British flag, Isle Royale, no foundation for report. Some lads may have been amusing themselves at a picnic on the island."

Colonial Trade Reports.

MR. WHITEHEAD: I beg to ask the Under-Secretary of State for the Colonies whether, in view of the lack of public official information concerning the trade done by each of the British Colonies and Dependencies with foreign countries, and the importance of such information to manufacturers and merchants in the United Kingdom, he can arrange for the periodical issue of Trade Reports giving information about Colonial trade, similar to the information now furnished with regard to foreign trade in the Consular Reports published by the Foreign Office.

MR. CHURCHILL: I would call the attention of my hon. friend to the series of Colonial Reports, of which about forty five are issued each year. A list of recent Reports is printed at the end of the latest issued, that for Sierra Leone, 1906 (Cd. 3285). This series does not at present include Colonies possessing responsible government, but no doubt the matter will receive consideration in connection with the appointment of commercial agents in the principal Colonies.

Lagos Timber Concessions.

MR. ALDEN (Middlesex, Tottenham): I beg to ask the Under-Secretary of State for the Colonies whether he is now in a position to state the decision of the Colonial Government with regard to the Ijebu timber concession at Lagos, by which it was contended that an area of 600 squares miles, after reduced to 100, was conceded to Mr. Robert Brown by the Awujale and chiefs; whether the Secretary of State has now consulted the Governor, who is at present in England; and what action it is proposed to take.

MR. CHURCHILL: Before consulting Sir W. Egerton, it was necessary to telegraph to the Colony for further information to complete the case; but the matter has now been referred to him. I am unable to state at present what action, if any, will be taken by the Colonial Government in the matter, and the Secretary of State is giving it his personal attention.

SIR GILBERT PARKER asked if the Government had any power to interfere in the case of bargains made with native chiefs.

MR. CHURCHILL said that that was largely a question for the Courts to determine, but in certain circumstances the Government had powers which they could exercise.

Turkish Raids into Persia.

MR. LONSDALE: I beg to ask the Secretary of State for Foreign Affairs whether Turkey has agreed to withdraw her forces from Persian territory with a view to facilitating the delimination of the frontier.

THE FINANCIAL SECRETARY TO THE TREASURY (Mr. RUNCIMAN, Dewsbury; for Sir EDWARD GREY): His Majesty's Ambassador at Constantinople was informed on the 11th instant that orders had been sent to withdraw the troops within the neutral zone and to punish those guilty of alleged excesses. Since that date information has been received to the effect that some Turkish troops are still within Persian territory, and His Majesty's Ambassador has made further representations to the Ottoman Government.

*MR. REES (Montgomery Boroughs): Is there any truth in the report that a new and more extended raid on Persian territory has since taken place?

MR. RUNCIMAN: We have no information.

British Interests in Morocco.

MR. LONSDALE: I beg to ask the Secretary of State for Foreign Affairs whether his attention has been called to the losses experienced by British residents at Casa Blanca, and to the statement of Mr. Bolton, a missionary, that whilst the French, German and Spanish Governments took measures for the protection of their subjects, no similar action was taken by the British; and whether he will state what action has been taken to safeguard the interests and the lives of British residents in Morocco.

MR. RUNCIMAN: My right hon. friend regrets to state that His Majesty's Consul has reported that extensive damage has been caused to the property of British and other residents at Casa Blanca, but he has no knowledge of the statement to which the hon. Member refers. His Majesty's Government considered that it was for the French and Spanish Governments to take all steps which were possible for the maintenance of order in the open ports of Morocco, and they have full reliance in the measures undertaken by those Governments for the protection of the lives and property of Europeans, irrespective of nationality, in the ports in question. No other Power sent any force to Casa Blanca, and the action of the British Government has been in conformity with that of the rest of the Powers. As regards the comparatively small number of British subjects resident in the interior of Morocco, it is understood that the members of the British Colony at Morocco City were to leave that place for the coast on the 11th instant; and the Consular Officers at Fez and Alcazar have received instructions to take what measures are possible for the withdrawal to the coast of British residents in their respective districts should the situation appear to necessitate such a step.

British Commercial Attachés.

MR. LONSDALE: I beg to ask the Secretary of State for Foreign Affairs whether any conclusion has yet been arrived at for giving effect to the recommendations of Sir Eldon Gorst and Mr. Llewellyn Smith in their Report upon the system of British commercial attachés and commercial agents; and, if so, whether he can state the nature of the action which it is proposed to take on that Report.

MR. RUNCIMAN: The recommendations contained in the Report have been adopted, and the new system came into force on 1st July last.

Foreign Lottery Bonds.

MR. MORTON (Sutherland): I beg to ask the Secretary of State for the Home Department whether, in view of the decision of the police magistrate at Westminster on the 10th day of January, 1907, it is now competent for anyone to sell and advertise for sale in this country foreign lottery bonds; and, if not, in view of the conflicting decisions of the police magistrates thereon, whether the Treasury or police authorities will take immediate steps to obtain the opinion of the divisional court on such sale or advertisement for sale as to its legality or otherwise.

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. GLADSTONE, Leeds, W.): The decision of the magistrate at Westminster which is referred to in the Question is not decisive as to the legality of the sale and of advertisements of the sale of foreign lottery bonds; and, as my hon. friend is aware, a conviction has been obtained in similar circumstances. I have under consideration whether it is desirable to take any, and, if so, what, steps. It is open to any one to raise the legal question.

Lead poisoning in the Earthenware Trade.

MR. ALDEN: I beg to ask the Secretary of State for the Home Department whether he is aware that there were twelve cases of lead-poisoning in the china and earthenware trade during last month; whether this is above or below the monthly average of such cases in this trade; and what steps he proposes to take with a view to diminishing the number of such cases.

MR. GLADSTONE: It is the case as stated in the Question that twelve cases of lead-poisoning were reported to the Home Office in this industry in July. This number is above the average monthly number of cases during 1906 and the first six months of 1907; but as the hon. Member will understand, the numbers fluctuate to some extent from month to month and the total number of cases for the first seven months of this year is considerably below the number for the corresponding months in 1906, fifty as compared with sixty-eight. The whole question of lead-poisoning both in the Potteries and in other trades is under my consideration.

MR. VERNEY (Buckinghamshire, N.): Will the Government take into consideration the desirability of gradually introducing rules against the use of lead in the future?

MR. GLADSTONE: That question was debated on the Estimates at considerable length and perhaps the hon. Member will excuse me for not now going into so large a question.

London Police Buildings.

DR. COOPER (Southwark, Bermondsey): I beg to ask the Secretary of State for the Home Department whether, as a moiety of the cost of erecting London police courts, police section houses, and barracks is paid out of the police rate, he will give directions to the receiver of the Metropolitan Police Fund to furnish a detailed statement of expenditure, separately giving the cost of the site and buildings, the annual amount of the rental received from the barracks, and the amount of the annual deficit.

MR. GLADSTONE: Police quarters usually form part of police stations, and, in such cases, it would not be possible to give a detailed statement as suggested; but before the accounts of the Metropolitan Police Fund for the current year are issued I will consider whether some additional information might be given.

DR. COOPER: Is the right hon. Gentleman aware that very extravagant prices are being paid for some of these sites?

MR. GLADSTONE: That is a matter of opinion, but if the hon. Member can give me any specific case I will inquire.

Police Discipline.

DR. COOPER: I beg to ask the Secretary of State for the Home Department whether disciplinary charges against the police are heard and decided in camera; whether the accused are allowed the aid of a legal adviser; and whether he will consider the advisability of placing the police on the same footing as the Army and Navy and giving to them in all charges involving dismissal, degradation, or serious punishment, the right of the charge being heard in public and the aid of a legal adviser if desired.

*MR. GLADSTONE: Disciplinary charges against the police are not investigated in public, and there is no legal advisor on either side. The great majority of such charges are for breaches of service regulations, and to investigate these in public would be contrary to the interests of the police themselves and of the service. The officer concerned is given every opportunity of putting forward the facts and of calling witnesses, both police and private persons, and of having inquiries made in order to assist his defence. When, however, a member of the public makes a charge of misconduct against a police officer who denies it, and in the conflict of evidence the Commissioner or Assistant Commissioner who is investigating the matter is not absolutely satisfied that he has the means of forming a correct decision, the complainant is requested to prefer his charge before a magistrate.

DR. COOPER: Is the right hon. Gentleman not aware that the hearing of these charges in secret is one of the most serious grievances of the men?

MR. GLADSTONE: I really do not know to what class of cases the hon. Members refers.

DR. COOPER: Charges involving dismissal, degradation, or other serious punishment.

MR. GLADSTONE: I can add nothing to my Answer.

MR. MORTON: Have the police a right of appeal from the Commissioners to the right hon. Gentleman?

MR. GLADSTONE: Certainly, and they do appeal.

Infants in Public Houses.

*MR. FIENNES (Oxfordshire, Banbury): I beg to ask the Secretary of State for the Home Department whether he has completed his inquiries into the subject of women taking their infants and young children into public-houses in London and the large towns; and, if so, whether he will lay the reports upon the Table of the House.

MR. GLADSTONE: I have called for and received reports upon this subject from the Metropolitan Police and from the Police of Birmingham, Liverpool, Manchester, Leeds, Sheffield, and Bristol. The information collected is being summarised, but the summary is not yet complete owing to difficulties that have arisen in satisfactorily tabulating the materials furnished. I hope, however, that the summary will be ready shortly, and I will send a copy to my hon. friend.

*MR. FIENNES: Is the right hon. Gentleman aware that that is practically the same Answer he gave me nearly six months ago?

MR. GLADSTONE: It is not in the least the same answer. At the request of my hon. friend I extended the inquiry which I had already made, and my present Answer refers to the result of that extended inquiry.

*MR. FIENNES asked whether he could have that part of the reports that have already come to hand.

MR. GLADSTONE: Surely my hon. friend would like the whole, so that he may draw his deductions from it.

*MR. FIENNES said what he desired was that the information which had been acquired might be given to the licensing authorities between now and February next in order that the licensees of those houses where the evil prevailed might be opposed.

MR. GLADSTONE said he would be very glad to discuss the matter with his hon. friend as soon as he was in possession of the information he required.

*MR. FIENNES pointed out that after next Wednesday a considerable interval would elapse before Parliament met again. This evil was a very grave one, and the House ought to have the information already obtained, so that something might be done.

LORD R. CECIL (Marylebone, E.) asked whether a summary of these reports would be laid on the Table before the prorogation. If not, would the right hon. Gentleman publish the report?

MR. GLADSTONE replied that it was his intention to publish the information.

MR. CROOKS (Woolwich) asked the right hon. Gentleman whether, when he had the whole of the evidence before him during the recess, he would arrange next session to introduce legislation dealing with the whole matter.

MR. GLADSTONE: My hon. friend must be aware of the statement made by the Prime Minister that a Licensing Bill will form one of the first portions of the business to be transacted next session.

German Trade and the Price of Food.

MR. C. E. PRICE (Edinburgh, Central): I beg to ask the President of the Board of Trade whether his attention has been called to the statements in the Consular Report from Germany (3847) that, whilst commerce in that country in 1906 was good beyond expectation, a number of circumstances seem to point to the fact that the price of food has risen more rapidly and more consistently than wages; and whether he can supply any statistics bearing on or confirming the latter statement.

THE PRESIDENT OF THE BOARD OF TRADE (Mr. LLOYD-GEORGE, Carnarvon Boroughs): I have seen the report referred to. Such information as I have for Germany points to the conclusion that in recent years prices of food have risen to about the same extent as wages. I am, however, causing further inquiries to be made.

Consumption of Meat in Germany.

MR. C. E. PRICE: I beg to ask the President of the Board of Trade whether his attention has been called to the statements in the Consular Report from Germany (3847) that, whilst it is officially stated the consumption of meat per head of population has fallen from 86·3 pounds in 1905 to 81·48 pounds in 1906, the reduced consumption of meat by the working classes is really more considerable than the official figures seem to admit; whether he has any official information confirming the latter statement; and whether he can state what restrictions exist on the importation of foreign cattle, sheep, and pigs into Germany.

MR. LLOYD-GEORGE: I have seen the statement referred to. There are no data in the possession of the Department which enable me to check the figures for the consumption of meat in the German Empire as a whole. With regard to the last part of the Question a summary of the principal existing regulations in Germany affecting the importation of live stock is given in the issue of the *Journal of the Board of Agriculture* for May, 1905, a copy of which I am sending to my hon. friend.

Port of London Bill.

MR. WHITEHEAD: I beg to ask the President of the Board of Trade whether any notices which would be necessary in the case of a Private Bill will be given by the Board of Trade in November in respect of the proposed Port of London Bill.

MR. LLOYD-GEORGE: I am hoping to introduce next session a Bill dealing with the Port of London, and notices for the Bill would be given before the end of November.

Transhipments in the Thames.

MR. WHITEHEAD: I beg to ask the President of the Board of Trade whether goods of foreign or colonial origin which are transhipped in the River Thames, but not landed, are included under the head of imports in the Board of Trade Returns; and, if so, whether they also appear as exports or re-exports.

MR. LLOYD-GEORGE: Goods transhipped under transhipment bonds in the River Thames or elsewhere are not included under the general heads of imports, exports or re-exports, but a separate account is kept of their value and is published in the second volume of the "Annual Statement of Trade." Goods in transit which are not transhipped under bond are included in the Returns both of imports and re-exports.

London Locomotion.

SIR J. DICKSON-POYNDER (Wiltshire, Chippenham): I beg to ask the President of the Board of Trade whether he can state what power the new Traffic Department of the Board of Trade will be given to ensure that all new schemes for London locomotion seeking statutory authority are brought before it for examination; whether the Department will possess power to take evidence during such examination; whether the report of each scheme made by the Department on such examination will be forwarded to the Committee of Parliament before whom that scheme appears; and what steps, if any, are being taken to empower the Commissioner to deal with those items of London traffic which stand outside the present scope of the Board of Trade, namely, those under the control of the Home Office and the Local Government Board.

MR. LLOYD-GEORGE: The new branch of the Board of Trade will have no power to compel promoters to submit their schemes for preliminary examination before the deposit of Bills, unless such submission should be required hereafter by an alteration of Standing Orders. In the meantime I do not anticipate that the absence of compulsory powers, either in this matter, or the taking of evidence, will seriously interfere with the work of preliminary examination. The Board of Trade will make any communication which may be necessary as the result of such examination to the Parliamentary Committee which deals with the matter. As regards matters falling within the scope of the Home Office and Local Government Board, the Board of Trade are in communication with those Departments, and are assured of their co-operation.

SIR J. DICKSON-POYNDER asked if changes would be made in the Standing Orders next session to coincide with the right hon. Gentleman's Answer.

MR. LLOYD-GEORGE: I do not think any Amendment will be necessary, but if it should be, the matter will not be lost sight of.

Promotions in the Post Office.

MR. CLAUDE HAY (Shoreditch, Hoxton): I beg to ask the Postmaster-General if he will state the number of gentlemen now in receipt of annual salaries of £300 and over employed in the Savings Bank Department, Comptroller and Accountant-General's Department, Money Order Department, Secretary's Office, and other branches of the Post Office, who were promoted to the permanent establishment from the old boy clerks class after a period of probationary service.

I beg also to ask the Postmaster-General if he will state how many appointments to first-class clerkships were made in the different departments of the Post Office during the periods 1887–1891, 1897–1901, and 1902–6; and how many of the gentlemen receiving these appointments had been originally promoted to the permanent establishment from the old class of boy clerks.

MR. SYDNEY BUXTON: I may perhaps answer these two Questions together. I do not think I should be justified in authorising the collection of the statistics asked for, as they would involve considerable expenditure of time and labour out of all proportion to any result obtainable.

Merioneth Education Dispute.

LORD BALCARRES (Lancashire, Chorley): I beg to ask the President of the Board of Education if he will state the tenor of the replies of the Merionethshire local education authority to his recent letters about the payment of salaries to teachers in non-provided schools; and what action the Board is taking.

THE PRESIDENT OF THE BOARD OF EDUCATION (Mr. MCKENNA, Monmouthshire, N.): I presume the noble Lord refers to the Board's letters to the local education authority asking whether the claims of the managers of certain voluntary schools for the repayment of sums paid by them to the teachers are correct. The Board have not as yet received replies.

LORD R. CECIL asked when the Board's letter was sent.

MR. MCKENNA: I think on Thursday or Friday last.

LORD BALCARRES: In view of this procrastination, will the right hon. Gentleman telegraph to the local authority to the effect that many of these teachers have not yet received their salaries?

MR. MCKENNA: The noble Lord has no right to use the word "procrastination." The local authority has not delayed in this case at all. They have refused to pay the salaries on the ground of principle.

LORD R. CECIL asked whether the right hon. Gentleman was not aware that it was part of the policy of the "Welsh revolt" to consume as much time as possible in correspondence with the Department.

MR. MCKENNA: No, Sir.

LORD R. CECIL: Advice given by the President of the Board of Trade.

Penrhyn Dendraeth Voluntary School.

LORD R. CECIL: I beg to ask the President of the Board of Education whether he is aware that the Merionethshire local education authority have refused to pay 15s., due on 30th June last, to a widow woman who is a cleaner in the Penrhyn Dendraeth voluntary school; and whether he will take steps forthwith to cause this injustice to be remedied.

MR. MCKENNA: The noble Lord appears to be more eager in this matter than the managers, for I have not at present received any complaint from them, nor have I any information on the subject.

LORD R. CECIL: Will the right hon. Gentleman inform himself on the subject?

MR. MCKENNA: No, Sir. Until I receive a complaint from the managers I shall not take any action.

The Secretary of the Welsh Education Department.

LORD R. CECIL: I beg to ask the President of the Board of Education whether the Denbighshire local education authority, of which the present Secretary of the Welsh Department was a member, for some time declined to pay a salary sufficient to secure a properly qualified headmaster for Llanelian School, and the managers were forced to engage and pay the present headmaster as from the 1st January, 1906, at a salary £12 higher than that offered by the local education authority; whether the local education authority have recently agreed to pay the higher salary but have refused to pay the arrears for 1906; and whether they have been upheld in this refusal by the Board of Education, and, if so, for what reason.

MR. MCKENNA: The form of the Question does not make it clear whether the reference to the present Secretary of the Welsh Department is by way of identification of the local authority in question or was intended to convey an imputation upon the impartiality of a Civil Servant. I assume that the noble

Lord does not intend to make insinuations conveying an unfounded charge. The evidence in this case led to the conclusion that the managers had not, in respect of the year 1906, done all in their power to obtain a teacher at the salary offered by the local authority.

Wrexham Education Scheme.

LORD R. CECIL: I beg to ask the President of the Board of Education whether he is aware that a scheme for the administration of the Wrexham parochial education foundation is shortly to be issued, and that until it is issued it is necessarily uncertain whether the Brymbo Church of England school will preserve its denominational character; whether the Denbighshire local education authority have nevertheless insisted that certain alterations shall be carried out in the school immediately; and whether the Board of Education will secure for the managers of the school a short delay until the scheme mentioned has been issued.

MR. MCKENNA: The unsatisfactory character of the premises of this school has been the subject of correspondence between the Board of Education, the local education authority, and the managers since May, 1904, and I cannot consider the resolution which the local education authority have passed to be in any way unreasonable.

LORD R. CECIL: Does the right hon. Gentleman assume that the allegations in the Question are correct?

MR. MCKENNA: No, Sir; I take no responsibility for the noble Lord's allegation.

Garforth Parochial School.

MR. CARLILE (Hertfordshire, St. Albans): I beg to ask the President of the Board of Education on what grounds the Board arrived at its decision on 3rd June, 1907, that it saw no adequate reason for requiring the reorganisation of the Garforth parochial school; and on what grounds the Board arrived at an opposite conclusion on the same matter on 12th July, 1907.

MR. MCKENNA: In the earlier decision of 3rd June consideration was not given to the fact that the size of the premises necessitated that a certain number of children must in any case be excluded. On my attention being drawn to this aspect of the case I had no hesitation in giving the decision of 12th July.

MR. CARLILE: May I ask if the accommodation in this school was taken into consideration?

MR. MCKENNA: Two questions were running concurrently; that of reorganisation and that of the number of children that had to be excluded.

MR. CARLILE: But had the right hon. Gentleman not considered the question of accommodation when he gave his decision of 3rd June? That is what I understand.

MR. MCKENNA: The hon. Member is not justified in drawing that conclusion.

MR. CARLILE: But the right hon. Gentleman said so himself. Is he aware that the standards to be transferred to the council school cannot be accommodated there? Did not the right hon. Gentleman on 12th July make an order transferring standards three to six from the parochial to the council school? Is he aware there is no accommodation for them in that school?

MR. MCKENNA: The hon. Member has not stated correctly the decision of 12th July. I gave no decision that standards three to six should be transferred.

MR. CARLILE: Why, I have here the right hon. Gentleman's own correspondence. I will quote it.

*MR. SPEAKER: Order, order! This is now becoming a debate.

Llangollen Schools.

LORD R. CECIL; I beg to ask the President of the Board of Education whether he is aware that for the last two years the Denbighshire local education authority, under the guidance of the present Secretary of the Welsh Department, have been attempting to convert the Llangollen boys' and girls' schools into one mixed school, and that the managers have consistently resisted the proposal, as being against the best interests of the schools; whether the Board of Education, acting by the same Secretary of the Welsh Department, have recently sanctioned this; and what is the statutory authority for this action.

Mr. McKENNA: The authority for my decision in the case in question rests upon the general duty of the Board of Education to do all in their power to secure the highest possible standard of efficiency; and no doubt can reasonably be raised that the amalgamation of the two small departments here involved will tend to this end.

Lord R. CECIL: In view of the position until recently held by the Secretary of the Welsh Department on the Denbighshire local education authority, will the right hon. Gentleman arrange in the event of any disputes arising between that body and the managers of voluntary schools they shall be dealt with by some other official of the Department?

Mr. McKENNA: If any Question arises I will consider that.

Lord R. CECIL: Questions have arisen over and over again.

Mortomley School Dispute--Motion for Adjournment Refused.

Lord EDMUND TALBOT (Sussex, Chichester) asked the President of the Board of Education whether he had been officially informed that the money due for salaries to teachers in the school at Mortomley had yet been paid by the local education authority.

Mr. McKENNA: No, sir, not officially, but I am happy to tell the noble Lord that I have communicated to the managers of the schools that the local education authority have agreed to pay.

Lord EDMUND TALBOT: May I ask whether if the money is not paid by the end of the session the right hon. Gentleman will apply the Defaulting Authorities Act?

Mr. McKENNA: I cannot give an undertaking of that sort. I must first know the reason why the money was not paid. I imagined that the only reason why the money has not yet been paid is that the officials were away on holidays.

Lord EDMUND TALBOT said that considering the very unsatisfactory reply of the right hon. Gentleman, he had no alternative but to ask leave to move the adjournment of the House for the purpose of discussing the failure of the Government to secure payment of the salaries.

Mr. McKENNA pointed out that no attempt had been made to establish that he had any authority in the matter.

Lord EDMUND TALBOT said he had asked the Question repeatedly for more than a fortnight, and the salaries still remained unpaid. He maintained that the right hon. Gentleman had the power to enforce payment.

Mr. McKENNA: I know there is some confusion on this point. This case is not like the Merioneth case. The school in question had not been recognised, but we have now recognised it, and informed the local education authority of that fact, so that the salaries will now become payable.

*Mr. SPEAKER: I really am not in a position to judge between the two hon. Members on this point. I think I am bound to take the assurance which has been given by the right hon. Gentleman that the county council have assured him that they are prepared to pay and are about to pay.

Lord EDMUND TALBOT said that he wanted payment to be enforced.

*Mr. SPEAKER: I do not think even if the noble Lord was successful and the House was to adjourn that would enforce payment.

Mr. BOLAND: (Kerry, S.): Can the right hon. Gentleman name a date by which the education authority will pay?

Mr. McKENNA said he had written to the managers of the school informing them that he was satisfied with the condition of the playground, and that he was, therefore, prepared to put the school on the grant list, and the local education authority had informed him that they would raise no objection, but would give rate-aid to the school. No more than that could be done.

MR. JOHN REDMOND (Waterford): Cannot the right hon. Gentleman tell the education authority that they must pay at once?

MR. McKENNA said he had no doubt the clerks were away on holidays, but the money would be paid.

MR. JOHN REDMOND: Someone must be there to transact business.

MR. McKENNA: The money will be paid in the ordinary way.

LORD R. CECIL: Are the whole of the education authority and all the clerks away on holidays?

LORD EDMUND TALBOT said he was informed that this money had been due for four months.

Boy Clerks' Memorial.

MR. CLAUDE HAY: I beg to ask the Secretary to the Treasury if he has yet given a reply to the boy clerks' memorial presented in September, 1906; and, if not, can he say when a decision will be given; if any revision in their conditions of service is contemplated; and when it will take effect.

MR. RUNCIMAN: I am unable to make any definite statement on this subject at present.

MR. CLAUDE HAY: Is the hon. Gentleman aware that eleven months have elapsed since the memorial was sent in?

MR. RUNCIMAN: I am quite aware of that, and, as I announced yesterday, the whole scheme is now under my consideration and I hope to announce the result shortly.

Land Tax Commissioners.

MR. GRETTON (Rutland): I beg to ask the Secretary to the Treasury whether a large increase has lately been made in the numbers of the Land Tax Commissioners; what are their present duties; and is it proposed to throw any more duties upon them.

MR. RUNCIMAN: As regards the first part of this Question, I must refer the hon. Member to my Answer of the 24th ultimo.† The Land Tax Commissioners perform statutory duties in regard to the administration of the land tax and the appointment of persons to supply vacancies among General Commissioners of Taxes. I am not aware of any proposal of the kind indicated in the last portion of the Question.

Tree Planting Schemes in Ireland.

MR. JOHN MURPHY (Kerry, E.): I beg to ask the Vice-President of the Department of Agriculture (Ireland) whether two different schemes were in operation under the Department for the supply of fruit trees and plants to different parties in Ireland; whether he can give the official title of the different schemes, and state if under one of them free plants have been distributed to titled and wealthy persons by the Department.

THE VICE-PRESIDENT OF THE DEPARTMENT OF AGRICULTURE FOR IRELAND (Mr. T. W. RUSSELL, (Tyrone, S.): In addition to the horticultural work carried on by the county Commissioners there are two fruit schemes in operation. Under the first eight centres have been selected consisting of about twenty acres each, which have been planted to test the commercial possibilities of growing fruit for marketing on strictly commercial lines and as a farm crop. The trees were provided by the Department free of cost. At each centre about twenty farmers were selected to conduct the experiments on the understanding that they would each furnish an acre of suitable land for the purpose and would do everything necessary for the proper cultivation of the fruit and the success of the experiment. At each centre they are assisted by a resident horticultural expert who is provided and paid by the Department. Under this scheme 175 acres have been planted. Under the second scheme—fruit growing for profit by resident gentry in Ireland—the Department defrayed half the initial cost of the fruit trees planted, and undertook to supply free expert advice as to the purchase, planting, and cultivation of the trees and in the grading, packing, and marketing of the produce. Slightly over forty acres have been planted in connection with this scheme, and the experiments which are being carried out are with the same object as the first scheme. A few of the landowners who have co-operated with the Department in this scheme are titled.

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† See (4) *Debates*, clxxviii., 1584–5.

Mr. JOHN MURPHY asked if directions would be given in future that money intended for the poor of Ireland should not be used to provide trees for wealthy individuals.

Mr. T. W. RUSSELL: I hope I shall be able to find better use for it than proposed under the second scheme.

Mr. FLAVIN (Kerry, N.): Were the local authorities consulted in regard to these schemes?

Mr. T. W. RUSSELL: No, Sir, they have been carried out as independent schemes.

Mr. J. MACVEAGH (Down, S.): Is it not the fact that several Members of the House of Lords are among the resident gentry who had trees supplied at the public expense?

Mr. T. W. RUSSELL: I have a list of the names here, but I do not think any useful purpose would be served by reading it.

Consultative Committee on Educational Administration.

Mr. JOHN MURPHY: I beg to ask the Vice-President of the Department of Agriculture (Ireland) whether, by Section 23 of the Act establishing the Department, a Consultative Committee for the purpose of Co-ordinating Educational Administration was created; whether this Committee was ever called together since 1899, and, if not, what was the cause of allowing the section to remain inoperative for eight years; and if he now proposes to take any steps to put Section 23 into force by calling the committee together.

Mr. T. W. RUSSELL: The Consultative Committee for Co-ordinating Educational Administration, constituted by Section 23 of the Agriculture and Technical Instruction (Ireland) Act, 1899, meets from time to time as circumstances require. The last meeting was held on 16th April in the present year. The next meeting will probably be held in October.

Ballinagh District Medical Officer.

Mr. VINCENT KENNEDY (Cavan, W.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he will say in how many cases the Local Government Board have objected to the appointment of temporary medical officers in dispensary districts on the ground that the proposed doctor resided outside the district; is he aware that, in the Ballinagh dispensary district, the doctor who has been doing temporary duty for over three months resided in Cavan, where the doctor whose appointment is refused also resides; will he state why the two doctors have been meted out different treatment; will he state in how many cases the Local Government Board have surcharged Poor Law guardians for payments to doctors appointed to do temporary duty, whose appointments were not sanctioned by the Local Government Board, within the last three years; and will he state whether the Local Government Board intend to have the guardians surcharged in Dr. Clarke's case.

The CHIEF SECRETARY for IRELAND (Mr. Birrell, Bristol, N.): The Local Government Board are unable to state, without a very extensive search, the number of cases in which they have made objections, or the number in which surcharges have been made. In refusing to sanction Dr. Clarke's appointment the Board acted under Article 22 of their Dispensary Rules, which was framed in the interests of the sick poor. It is the fact that the previous temporary medical officer resided in Cavan, but the Board objected to this arrangement and the guardians themselves eventually found it to be inconvenient and put an end to it. Moreover, Dr. Clarke's case differs from that of the previous temporary medical officer, inasmuch as it was proposed to place him in charge of three dispensary districts, in not one of which he resides. The power of surcharge rests with the Auditor, and not with the Local Government Board.

Cock-Fighting on Dernagore Island.

Mr. VINCENT KENNEDY: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if he is aware that, on the 6th July last, at Dernagore Island, in Carrowel River, where Cavan borders Fermanagh, a force of police pursued some young fellows alleged to be about to take part in a cock-fight at 11.30 in the morning; will he say why the police shot at these young men, and why seven shots were fired in broad daylight; did the police summon the parties for cock-fighting; is he aware that the police broke a cot the property of one Donohoe, and will he be paid compensation for the act of the police; and will all the circumstances of this affair be looked into, with a view to the police discharging this part of their duty without using their firearms in this peaceful district.

MR. BIRRELL: On 6th July, at half-past one in the morning, the police came upon a party of men preparing to hold cock-fights on Tranish Island in Lough Erne. The party then crossed to the opposite shore of the lake, whither they were pursued by the police. About half-past ten, after a nine-hours chase, the party, which numbered several hundreds, succeeded in reaching Dernagore Island by means of cots, which I understand to be small boats. The police had no boats at the place, and a constable swam across to the island with the object of getting one. He was met by a number of men who rushed at him with stones in their hands, and one of his comrades on the opposite bank thereupon fired two revolver shots in the air in order to deter the men. The constable swam back without getting a boat. Seventy-eight persons were summoned by the police for aiding and abetting in cock-fighting, and fines were imposed. I am informed that the police did not break any cot. The Inspector-General does not think it necessary to issue any special instructions in the matter. The constable who fired in the air merely did so as a warning to the men who were threatening his comrade.

Lismore Union Clerk.

MR. COURTHOPE (Sussex, Rye): On behalf of the hon. Member for the Blackpool Division of Lancashire, I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland what were the reasons assigned by the Court for declining to give Alexander Heskin, who has been appointed to the clerkship of Lismore Union, his discharge in bankruptcy.

MR. BIRRELL: The Chief Registrar of the Court of Bankruptcy in Ireland informs me that Mr. Heskin does not appear to have ever applied for the certificate which is the equivalent of an English discharge in bankruptcy, and therefore it is not the case that the Court has declined to give a certificate.

Waterford District Asylum Committee.

MR. O'SHEE (Waterford, W.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether his attention has been called to a resolution of the Waterford District Asylum Committee on the 12th instant, rescinding a resolution of the committee at its previous meeting giving Dr. Oakshott, the resident medical superintendent, an increase of £50 to his salary of £700; whether he is aware that the resolution granting the increase, now rescinded, was carried only by the casting vote of the chairman; whether he is aware that several of the rural councils of the county Waterford have unanimously passed resolutions against the increase, having regard to the fact that the maintenance charges for the asylum have increased by over £3,000 in the past year; and whether the approval given by the Lord-Lieutenant to the increase of salary is now of effect, in view of the rescission by the committee of the resolution granting it.

MR. BIRRELL: The facts are as stated in the Question, save that Dr. Oakshott's former salary was £450 per annum, and that the increase in the maintenance charges of the asylum, which is due to an increase in the number of patients, amounts to less than £300 a year. The concurrence of the Lord-Lieutenant in the increase of salary is now of effect notwithstanding the rescission by the Committee of the resolution granting the increase of salary. The Committee had no power to rescind that resolution without the Lord-Lieutenant's concurrence. Dr. Oakshott's rights as an existing officer at the passing of the Local Government Act of 1898 were reserved to him by Section 115 of that Act. If the Act had not passed, he would before now have received in the ordinary course an increase of £100 per annum, and as a matter of fact the Committee granted him an increase of that amount in May last, but subsequently rescinded the resolution.

Holywood District Council Clerk.

MR. McKILLOP (Armagh, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether his attention has been directed to the proceedings of the Holywood Urban District Council in relation to the embezzlements by James H. Barrett, the ex-clerk of the council, extending from the year 1899, when he was appointed clerk, down to 1905, when he was dismissed, of moneys received by him on account of the cemetery, town court, and general funds of the council; whether the Local Government Board of Ireland advised the council that they would approve of the council instituting the criminal proceedings advised by senior counsel who had been consulted by the council's solicitor, or of a compromise of the felony; whether he is aware that the council, acting as alleged upon the advice of the Local Government Board, submitted the person accused to a cross-examination on the 8th instant, and a suggestion was made to the accused that a payment by him of £30 and £25, moneys expended by the council in connection with the matter and of the amounts not accounted for by him, would secure him immunity from a criminal prosecution; and whether he will at once consider the entire facts, in the interest of the ratepayers of Holywood and of public official life.

MR. BIRRELL: The attention of the Local Government Board was drawn to the proceedings referred to in the first part of the Question. The Board received a deputation from the Holywood Urban District Council who laid before them senior counsel's opinion and other documents in the matter. The Board informed the deputation that the matter was one for the council to decide, but suggested that, before taking any proceedings against Mr. Barrett, the council should give him an opportunity of attending and making a personal explanation in respect of the allegations made against him. Mr. Barrett attended before the district council on 8th instant, but the minutes of proceedings do not show that any suggestion of the nature referred to in the Question was made to him. Mr. Barrett is no longer in the employment of the district council, and the matter has therefore passed out of the jurisdiction of the Local Government Board. The question of taking proceedings is still under the consideration of the district council.

Banbridge Train Disturbance.

MR. J. MACVEAGH: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether his attention has been called to the attack made near Banbridge, county Down, on Thursday night, on a train containing Nationalists returning from a political meeting in Rostrevor; whether he is aware that, in addition to hurling stones through the carriage windows, an attempt was made to wreck the train by placing stones on the track; and whether, in view of the numerous previous complaints about conduct of a similar character in the neighbourhood, the police will be directed to exercise closer vigilance in the future.

MR. BIRRELL: The police authorities inform me that on the evening in question, at a place about 1½ miles from Banbridge, a great many stones were thrown at the excursion train referred to and sixteen carriage windows were broken. The police, however, are of opinion that no attempt was made to derail the train. The engine driver did not observe anything unusual in the motion of the engine. The stones found beside the rails were small, and appeared to have been those thrown at the train. As is customary on such occasions, the police were posted at intervals along what was considered to be the dangerous portions of the line, but the stone-throwing took place outside that area. The police will take all possible precautions to prevent and detect offences of this nature.

Belmullet Railway.

SIR WILLIAM BULL (Hammersmith, W.): On behalf of the hon. Member for South Dublin, I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether any progress has been made in regard to the railway to Belmullet.

MR. BIRRELL: The Irish Government are in communication with the Midland Great Western Railway Company on this subject, but matters have not reached a stage at which I could with advantage make any public statement.

Irish National Teachers' Civil Rights.

MR. JOHN MURPHY: I beg to ask the Secretary to the Lord-Lieutenant of Ireland whether he has yet ascertained if the Commissioners of

National Education were unanimous in their decision refusing to comply with his request to modify the rules dealing with the civil rights of teachers.

MR. BIRRELL: The Commissioners of National Education have informed me that, in their opinion, it is undesirable, in the interests of the public service, to give information such as is asked for in the Question.

MR. JOHN MURPHY: Will the right hon. Gentleman say whether this is his opinion—if not will he have the salaries of these Commissioners refused until they comply with a reasonable request of this kind?

MR. BIRRELL: I am afraid I could not take such a drastic remedy as that.

MR. JOHN O'CONNOR (Kildare, N.): Will the right hon. Gentleman say what are the civil rights referred to?

MR. BIRRELL: The right to attend meetings and one or two other things.

MR. JOHN O'CONNOR: Are we to understand that the public rights of citizens are refused when a man enters the public service in Ireland?

MR. BIRRELL: No, and I may say that teachers in other countries outside Ireland are subjected to certain disciplinary rules with a view to securing civil respect and independence. I certainly think that the rules in Ireland press very heavily.

MR. SWIFT MACNEILL (Donegal, S.): Will the right hon. Gentleman take steps to have these Commissioners made amenable to Parliament?

MR. BIRRELL: I must not refer to my Irish Council Bill.

MR. SWIFT MACNEILL: Oh, no! We never mention it.

Irish National Board of Education.

MR. PATRICK O'BRIEN (Kilkenny): I beg to ask the Secretary to the Treasury whether he is aware that the National Education Board of Ireland do not think it desirable to give to Parliament details as to the attendance at Board meetings of each of its members, and the amount of travelling and personal expenses received by each member from the 1st July, 1906, to the 30th June, 1907, on the ground that no useful purpose would be served by furnishing this information to Parliament, and that they state that payments for such travelling and personal expenses are regularly audited by the Exchequer and Audit Department; and whether he will consider the desirability of securing that Parliament, having to vote this money, should be informed as to the amounts and particulars of its expenditure, and will he take steps to see that it is given in the way asked by the hon. Member for Kilkenny.

MR. BIRRELL: Perhaps I may be allowed to answer this Question. In my reply to the hon. Member's former Question on the 14th instant, I stated that the Commissioners had informed me that they did not think it desirable to give details as to the attendance of individual members of their body, as they considered that no useful purpose would be served by furnishing this information. This answer was not meant to refer to the travelling and personal expenses of the Commissioners, but merely to the number and dates of the meetings attended by each Commissioner. Members of the Board receive first class travelling expenses, together with an allowance of a guinea for each night necessarily spent from home when attending meetings, or an allowance of 7s. for an absence from home of not less than eight hours when absence for the night is not necessary. These allowances are, of course, made only to members of the Board who do not reside in Dublin. The Commissioners inform me that, so far, the sum of £656 12s. 5d. has been paid in respect of the travelling and personal expenses of their body during the year ending 30th June last. The accounts of some of the Commissioners have not yet been presented, and therefore a full statement of the amounts paid to each Commissioner is not yet available.

Irish Trade in Australia.

MR. BOLAND: I beg to ask the President of the Board of Trade whether the Commercial Intelligence Committee requested its special commissioner, when inquiring into Australian trade conditions, to restrict his investigation to the trade of Great Britain with Australia, or was he instructed to inquire to what extent Irish trade was carried on with Australia; and, if so, can he explain why the Report is entitled Report upon the Conditions and Prospects of British Trade in Australia, in view of the fact that the term British does not include Irish.

MR. LLOYD-GEORGE: The Commissioner's instructions were not confined to the trade of Great Britain, and I do not think that the term "British" in trade statistics is usually understood to exclude "Irish."

MR. BOLAND: I beg to ask the President of the Board of Trade whether, in consequence of the small amount of information as to Irish trade with Australia given in the recently-issued Report of the Commercial Intelligence Committee, he will arrange that, in the event of similar inquiries being instituted as to the trade of Great Britain and Ireland with English Colonies or with foreign countries, the special commissioner shall be instructed to make special inquiries about the existence of an Irish trade, and to report thereon.

MR. LLOYD-GEGRGE: I have noted the point raised by my hon. friend in case of any similar inquiries which may be instituted in future.

Ballinskelligs Sub-Postmaster.

MR. BOLAND: I beg to ask the Postmaster-General whether he is aware that Mr. Patrick Haren, when sub-postmaster at Ballinskelligs, county Kerry, in consequence of the increasing postal business, spent £50 on building a second office, having been promised that he would get rent for it; that, when the building was finished, he applied for the rent, but received no reply from the Post Office authorities; and whether, in view of the fact that the sub-postmastership has now been transferred, through no fault or incapacity on the part of Mr. Haren, he will take steps to compensate Mr. Haren for the expense to which he was put in erecting this office.

MR. SYDNEY BUXTON: It was a condition of Mr. Haren's appointment that he should provide the necessary accommodation for the post office business, and I understand that he altered his premises from time to time for this purpose; but I cannot find that any promise was ever made to him that he would be allowed rent in consideration of such expenditure, and indeed it would be contrary to practice to make any such allowance.

Dunturk Letter Delivery.

MR. J. MACVEAGH: I beg to ask the Postmaster-General, whether arrangements can be made for a daily delivery of letters in Upper Drumnaquoile, Castlewellan, and in parts of Dunturk and Drumaroad bordering on the new railway line, so as to obviate a day's delay on three days a week.

MR. SYDNEY BUXTON: I have called for a report on this subject, and I will send the hon. Member a reply.

English Material in Irish Public Buildings.

MR. MOONEY (Newry): I beg to ask the Vice-President of the Department of Agriculture (Ireland) if the English architect employed in connection with the proposed College of Science in Dublin proposes that the superstructure of the new building shall be of brick, faced with Portland stone courses; and, if so, can he state why, in accordance with pledges publicly given, Irish stone and material are not intended to be used in the construction of this Irish building.

MR. RUNCIMAN: Perhaps I may be allowed to answer this Question. So far as I am aware, no pledge has been given of the kind suggested by the hon. Member. The intention announced in my reply of the 14th May last to the hon. Member for South Donegal,† and in previous answers to questions given by my predecessor last session, is being carried out.

MR. CLANCY (Dublin County, N.): Was the architect acting under the instructions of the Government?

MR. RUNCIMAN: The architect is not under the direction of the Government.

MR. MOONEY: Is it not a fact that a pledge was given by the

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† See (4) *Debates*, clxxiv., 777.

Government that the building was to be of Irish building material? and is it not a fact that it is proposed to use now a special kind of English brick on this Irish building?

MR. RUNCIMAN said that was not so. The architect had found in Ireland a brick quite suitable, and the basement storey was of Irish stone and brick, and Irish material was used in every part of the building where possible. About 75 per cent. of the building would be of Irish material.

MR. MOONEY: Is it not a fact that it is proposed to face this building with English red brick, and also to use a stone called Portland stone? And is it not a fact that stone equally good could be had in Ireland?

MR. RUNCIMAN: No stone or brick except Irish will be used where it is possible to use them.

MR. SWIFT MACNEILL: Did not the right hon. Gentleman give a pledge that Irish stone would be used, and is the hon. Gentleman aware that Donegal stone, which is perfectly suitable, was used in the erection of the Letterkenny Cathedral?

MR. T. M. HEALY (Louth, N.) asked why English convict stone was sent over to Ireland? Why did not the Government keep it for their own buildings.

MR. RUNCIMAN: Portland stone is not convict stone.

MR. HEALY: Indeed it is. I saw them quarrying it.

MR. RUNCIMAN said Irish brick and stone were used where possible, but there were some parts of the building where Irish stone would not be as good as Portland stone, and where the latter was necessary the architect would look for the best stone.

MR. MOONEY asked whether it was not a fact that the reason the Irish stone was not supposed to be good enough was that it was alleged that in a certain place the Irish stone broke, and was it not a fact that the reason it broke was because it was badly set.

MR. SWIFT MACNEILL asked whether it was not a fact that experts of great authority had decided that Mount Charles stone in the county Donegal was far more durable than Portland stone.

*MR. SPEAKER reminded hon. Members that there were several other Questions on the Paper.

East India Revenue Accounts.

MR. GRETTON: I beg to ask the First Lord of the Treasury on what date it is proposed to resume the adjourned discussion on going into Committee upon East India Revenue Accounts.

THE PRIME MINISTER AND FIRST LORD OF THE TREASURY (Sir H. CAMPBELL-BANNERMAN, Stirling Burghs): As I have already explained, the House will be asked to go into Committee on the Indian Budget merely to carry out the usual practice, and there will be no resumption of the debate. The date will be fixed by arrangement with the Opposition.

MESSAGE FROM THE LORDS.

That they have agreed to, Consolidated Fund (Appropriation) Bill; Isle of Man (Customs) Bill, without Amendment.

COMPANIES BILL [LORDS].

As amended, considered.

MR. BOTTOMLEY (Hackney, S.) said the object of the clause he wished to move was to make it a statutory offence for persons to hold themselves out as trading with limited liability unless duly incorporated. This clause had been settled in conference with the President of the Board of Trade who admitted its desirability. It would be accepted and there was no need for him to detain the House discussing it.

MR. DUNN (Cornwall, Camborne) seconded.

New clause—

"If any person or persons trade or carry on business under any name or title of which 'Limited' is the last word, such person or persons shall, unless duly incorporated with limited liability, be liable to a penalty not exceeding five pounds for every day upon which such name or title has been used."—(*Mr. Bottomley.*)

Brought up and read a first time.

Motion made, and Question proposed, "That the clause be read a second time."

THE PRESIDENT OF THE BOARD OF TRADE (Mr. LLOYD-GEORGE, Carnarvon Boroughs) said the clause was a very desirable one. It seemed to cover a real necessity and was of considerable importance.

MR. HARMOOD-BANNER (Liverpool, Everton) said he welcomed the clause. The point arose when the Limited Partnerships Bill was under discussion. They were very sensible to strike out the word "limited" on that occasion, because had they not done so it would have been in direct contradiction to what they were doing at the present time.

Proposed clause read a second time and added to the Bill.

*MR. FELL (Great Yarmouth), in moving a new clause (Issue of new capital at a discount), said the clause was not a new one. It was settled in the other House and then came down to the Commons and was read a second time. There were only three words altered, but substantially it was the same clause that had passed the Second Reading. It would be necessary for him to take the House back to the origin of the clause. The Departmental Committee appointed in 1905 was a particularly strong one. There were commercial men of high standing among its members and it was presided over by the Lord Chancellor during its preliminary stages and later by Mr. Warmington, one of the highest authorities upon this subject. The Committee reported and it was upon that report that the Bill was founded. This measure was introduced in the House of Lords and discussed there at considerable length. Members of highest eminence and authority took part in the discussion and approved of the clause. It came down to the Lower House and was also approved of there. The clause came before them as a new clause but it was really a re-insertion of the old clause which allowed shares to be issued at discount. It was a fact that up to the present time there had been no actual provision in any Act of Parliament prohibiting shares of this kind. But when, under the Act of 1862, the matter was considered by the Law Courts, it was decided finally that shares should not be issued at discount. Occasions arose in which it was proved in the history of companies it would be beneficial for shareholders that they should have this power for finding further money for the objects of the company, and if they could not issue in the form of debenture they should contribute by taking shares at a much lower price than that at which they were originally issued. Many cases of reconstruction had come before the Court, and in a perfectly legitimate way they had been authorised to issue new shares to their shareholders at a discount. The practice had prevailed for some ten or fifteen years and it had proved beneficial alike to the shareholders and the companies. It was, however, a cumbrous and expensive method. The Departmental Committee considered that the method could be wisely done away with, and that instead of this cumbrous machinery of a reconstruction the company should be allowed to go straight to the shareholders and issue further shares to them at a discount. There was a provision that before this could be done the company must have carried on business for upwards of two years. That would ensure that it had about it the elements of stability, and the issue of more shares would simply mean that after two years work it had not sufficient funds to carry on its operations. The issue could only be made with the sanction of an extraordinary resolution of the shareholders and the amount of the rate of discount must be disclosed in the prospectus. Then a statement must be filed with the Registrar. With all of this he entirely agreed. The shareholders would have the matter entirely in their own hands. The clause had been struck out by the Standing Committee, but he felt very strongly that it should be reinserted by the House. It would save in the future a great deal of the money and the time of the shareholders, and on the whole anything more desirable it was difficult to imagine. On these grounds he moved that the clause be reinserted.

*MR. HILLS (Durham) seconded the Motion in the interests of shareholders. It was impossible to prevent the issue of shares at a discount. It was done now by means of underwriters who took a commission of 10, 20, or even 50 per cent. on the understanding that if the public did not come forward and take up the shares they would take them up themselves. The effect of this was that the company only got a fraction of the nominal amount—10s. or 15s. in the £. The cumbersome method of reconstruction which was another way whereby a company could issue shares at a discount was another very strong argument in favour of this new clause. A company was formed, and after working a short time it was reconstructed and sold to a new company. If the old shareholders did not come in and take up the shares the directors had the right to sell them in the open market, and very often £1 shares could be bought at 5s., 4s. or even less. This cumbersome and expensive machinery would not be necessary if the principle embodied in the new clause were accepted.

New clause :—

"In page 5, after Clause 6, to insert the following clause : 'Issue of Shares at a discount. Where a company, which has continuously carried on business for more than two years after the company became entitled to commence business, offers shares for subscription, the shares may, with the sanction of an extraordinary resolution of the company, be offered and issued at a discount if the amount or rate of the discount is disclosed in the prospectus, or, where no prospectus offering the shares for subscription is issued, in a statement in the prescribed form verified in like manner as a statement in lieu of prospectus and filed with the registrar, and where a circular or notice, not being a prospectus, inviting subscriptions for the shares is issued, also disclosed in that circular or notice.' "—(*Mr. Fell.*)

Brought up and read a first time.

Motion made, and Question proposed, "That the clause be read a second time."

THE PRESIDENT OF THE BOARD OF TRADE (Mr. LLOYD-GEORGE, Carnarvon Boroughs) said that this was not quite a case of the reinsertion of a clause struck out by the Committee upstairs, and he was afraid he could not see his way to make the concession now asked for. There was very considerable opposition to this proposal in the community. The reasons given were—he did not propose to adopt those reasons himself—that it would serve to encourage gambling. A company would cease to be a mere speculative venture and would become a pure gamble. He was not sure that they ought to encourage transactions of this kind in regard to companies which had got beyond a speculative stage. If they wanted to raise money it could be done under the Act of 1900, and he thought that was as far as Parliament was justified in going at the present moment. It was true there might be certain cases where it was desirable, but it was probably one case in a thousand. There was a feeling amongst good sound authorities that it would be dangerous to encourage gambling of this kind in the City, and at the present moment he thought it would be unwise to go beyond the Act of 1900. There was an apprehension that the clause would lead to the watering of capital. That was what it would come to. An issue of £400,000 would only produce £100,000. He did not think they ought to go out of their way to assist operations of that kind. This Amendment was proposed and discussed and withdrawn in the Committee upstairs, and he did not think those who were in favour of the clause as it then stood would succeed in carrying it through the House.

MR. CLAUDE HAY (Shoreditch, Hoxton) said the reason the proposal was not challenged was that the Members who would have challenged it were not put on the Committee.

MR. LLOYD-GEORGE : There were only two or three at the outside, and I do not think that the hon. Gentleman has any right to assume that they were in favour of the clause. The rest of the Committee were pretty solid against it.

MR. CLAUDE HAY said the President of the Board of Trade had informed the House that he was not in favour of this clause because it would promote gambling on lines which merited the condemnation of the House.

MR. LLOYD-GEORGE : I did not say that would be the effect. I said there was a strong feeling in the City that that would be the effect.

Mr. CLAUDE HAY said he accepted the right hon. Gentleman's correction if he did not intend to convey the meaning attached to his words. At any rate, he opposed the clause because it might lead to the use of improper methods of raising money. In his judgment it would do exactly the reverse. What was the position? A perfectly well-managed and honourable concern might get into difficulties which the best of management could not have prevented. It might have practically used up the whole of its working capital. What did the present law say the company must do if it was not to be wound up and those interested in it lose all their money? There must be a reconstruction, which would mean that wealthy persons would be able to take the shares in the reconstructed company while the poor shareholders in the old company would be shut out and would lose their money. Under this clause the directors would call the shareholders together instead of having to go round the City to raise money on which they would pay a commission of 25 per cent. Therefore, from the point of view of having the whole business above-board he thought the clause was essential, and he hoped the President of the Board of Trade would reconsider his decision.

***Mr. REES** (Montgomery Boroughs) said the right hon. Gentleman had expressly repudiated the interpretation which had been placed upon his words by the hon. Member for Hoxton. While there was, no doubt, something in the argument of the hon. Member, he desired to point out that companies with security could always raise fresh capital by means of debentures or prior lien debentures, so long as they had anything left to pledge. He could not see that the rejection of this clause would have the effect of placing a company in the position that had been suggested, and such inquiries as he had been able to make led him to doubt whether there was any strong feeling in the City in favour of this clause. This power did exist with regard to debentures, and he did not think it was necessary to extend it to shares.

Mr. BOTTOMLEY hoped the President of the Board of Trade would adhere to the attitude he had taken up in this matter. The hon. Member opposite had totally misconceived the altered circumstances in which shares were offered to the public on the reconstruction of a company. When a company was in difficulties and it reconstructed and its new shares were offered at less than par, a certain proportion of the price being fully paid, the fully paid portion of those shares was the purchase price of the old company, and the whole of those shares came into the market as vendors' shares. There were so many different features in connection with this matter that he would not weary the House by mentioning them all. But he would point out that when a company was reconstructed and the shares were issuable at less than par value, certain rights accrued at law which entitled the shareholders of the old company who disapproved of the reconstruction to be paid out. There was such a thing as Section 161 of the Companies Act, which provided that dissenting shareholders should be bought out. When the old shareholders who approved of the reconstruction had decided as to what extent they would take up shares in the reconstructed company, then the company could issue shares, but those who bought them would have to pay something more for them than was paid by the old shareholders. The main object of that was to prevent the old shareholders being swamped by a purely fictitious capitalisation. He attached no importance to the suggested safeguard given in the articles of association. His experience had taught him that nothing in the articles of association affected the minds of the shareholders. They did not read them, neither did the intending investor. Therefore, he did not think the protection in the articles of association would have any affect. Neither did he think a company *in extremis* would do any good by issuing further debentures. On all these grounds, and he had some experience in company matters, he strongly supported the Government in this matter.

SIR F. BANBURY (City of London) said he supported the clause of his hon. friend. He pointed out that this clause did not refer to companies at the commencement of their business, and that it was not possible for shares to be issued at a discount unless the company had been in existence for two years. The only question that arose to his mind was whether a company taking up new business should raise the capital for the new business by debentures or by an issue of new shares. Under this clause the shares could be issued at a small discount. For his part he could not see why there should be any objection to the clause. The conduct of a business ought to be left to the people concerned in it, and surely this was a question that should be left to the discretion of those who conducted the business. He hoped that the right hon. Gentleman would accept the Amendment.

MR. HARMOOD-BANNER said he would like to enforce what the hon. Member had said, namely, that in the opinion of the commercial world this clause was very valuable. If they issued shares at a premium they surely should have the right, if it was necessary, to issue them at a discount. Perhaps a company might wish to economise, having spent a great deal of money and requiring further money to come in. They certainly ought to have the right to ask the new shareholders to come in at a reduced price, because they had a reduced prospect to offer them. That was a very strong point indeed. It was certainly a much better process than to say to a man, "Let me issue the debentures at a higher charge of 20 or 30 per cent., and penalise you in that way." He appreciated the way in which the Bill had been treated by the President of the Board of Trade, and whilst he would like to see this clause put in he was quite content to sink his feelings. He hoped that it would not be pressed now, though at some future time it might with advantage be adopted. He protested, however, on behalf of the commercial world generally, and he thought in the general interest of those who were concerned in the honesty and propriety of company working, against the issue of shares at a discount being treated, as so many had treated it, as if it were a gambling transaction and a fraud on the public. It was a perfectly honest transaction, and in the same way as they asked shareholders to come in at a profit, they should be permitted, if there was a loss, to ask them to come in at a discount.

Question put, and negatived.

MR. MARKHAM (Nottinghamshire, Mansfield) moved on Clause 1 to insert the words, "Signed by every person named therein as a director or proposed director of the company, or by his agent authorised in writing." The object of the Amendment was that where a company had not issued a prospectus, each director or proposed director should sign a declaration to be lodged with the Registrar.

Amendment proposed—

"In page 1, line 10, after the word 'prospectus,' to insert the words 'signed by every person named therein who is a director, or proposed director of the company, or by his agent authorised in writing.'"—(*Mr. Markham.*)

Question proposed, "That those words be there inserted."

MR. LLOYD-GEORGE: I think I can accept that Amendment. It is reasonable that a declaration should be signed.

MR. FELL: What becomes of the words "or solicitor?"

MR. LLOYD-GEORGE: It will be signed in the same way by the directors.

Question put, and agreed to.

*MR. FELL moved an Amendment to the effect that not less than one quarter of the amount offered for subscription should be subscribed before going to allotment. He thought that such an Amendment would be of material assistance, because it was desirable that there should be as full information as possible, so that the subscribers might form a true and just opinion of the merits of the concern before they subscribed.

The clause as drawn at present, he thought, would have entirely the contrary effect, because it appeared to him that instead of the real minimum subscription with which the company intended to go to allotment, there would be just a purely nominal amount in the statement, the articles, and the memorandum of association. That was done at the present time to a considerable extent. They very often saw that the amount on which they went to allotment was the minimum amount of £100. That showed it was purely a nominal sum; there was nothing substantial in it at all; they put in a nominal figure while they were making up their mind what amount of capital they were going to issue. So that the statement, the articles, and the memorandum would all contain the nominal amount of £100 or even £10; it was not limited. If the Amendment were adopted and they put in one-fourth of the amount offered for subscription, that would in any case be a substantial amount. There was all the difference in the world between showing a substantial figure and merely putting in a nominal sum—say £100, whether the amount to be subscribed was £10,000, £50,000, or £1,000,000. The nominal figure would not convey the slightest information to the shareholders as to the amount to be subscribed.

MR. MARKHAM: Can the hon. Gentleman give an instance where a large company has given £100?

*MR. FELL said he would not mention any names there, but he could name to the hon. Member several. It might be remembered that in the early days of the Companies Act it used to be common for ten, fifteen, or twenty persons, to sign the memorandum, each with a large amount to his name, but afterwards the number became seven persons, each for a nominal amount, generally £1. It would be of immense assistance to the public if, when there were £100,000 shares to be issued, they knew that at least 25 per cent. were going to be subscribed. There was no cause which contributed so much to the failure of companies as allowing directors to go to allotment with very small subscriptions. If they required that one-fourth, or one-third, or some substantial figure should be subscribed, it would be a great protection to the original subscribers, for it was they who lost their money, and it was they who required some such protection as that which he proposed.

MR. CLAUDE HAY seconded the Amendment.

Amendment proposed—

"In page 1, line 26, after the word 'subscription,' to insert the words 'being not less than one-quarter of the amount offered for subscription.'"

Question proposed, "That those words be there inserted."

MR. LLOYD-GEORGE said he did not think that the Amendment would afford any real security. Let them take the case put by the hon. Gentleman of a company with £100,000 capital. It would want to pay so much to the vendor, and would want, say, £30,000 in cash. What protection would the Amendment give? If they had one-fourth the company would not have their working capital. If the whole amount subscribed was devoted to working capital they had not the amount which they thought necessary to carry on the company. Then, again, the whole of the one-fourth might go into the pocket of the vendor and not a penny be devoted to working capital. Merely to say it should be a minimum of one-fourth was purely illusory. It was deluding the public into the idea that they had got the sum, which was a great mistake, and that they had statutory security. He agreed with the hon. Baronet the Member for the City of London that the less they interfered the better, that they ought not to interfere unless there was a real demand from the people concerned in the working of these companies, and that they should do so only for the protection of the public. Fools could not be protected, but investors were innocent very often, and especially the small investor was taken in. This was no protection to him; it was really taking him in. The best thing to do was what the Act of 1900 did. It must be stated in the prospectus what the minimum was upon which they would proceed to allotment, and that was all they could do. If, after reading the prospectus, and seeing that the directors had taken power to go to allotment with £100, while asking for £100,000, the investor still went on paying his money, he was such a fool that he deserved to lose it.

Question put, and negatived.

Mr. BERRIDGE (Warwick and Leamington), on Clause 6, moved to leave out the words "for any special reason."

Mr. LLOYD-GEORGE: I accept that.

Amendment proposed—

"In page 5, line 34, to leave out the words 'for any special reason.'"—(*Mr. Berridge.*)

Question, "That the words proposed to be left out stand part of the Bill," put, and negatived.

*Mr. FELL, on Clause 9, which deals with the payment of interest out of capital, proposed that this should only be done to defray the expenses of permanent works, and should not apply to buildings or the provision of plant, which could not be made profitable for a lengthened period. The object of the Amendment, he said, was to make these companies act more in accord with the Acts which Parliament had passed, dealing with the construction of permanent works, such as railways or canals. As the clause stood at present, it would apply to every company that he could possibly imagine, and to every conceivable object. Whatever the company might be, it would certainly have some works or buildings, or plant, or something or other of that nature, and might pay interest out of capital during its construction, and perhaps continue this until six months after it was completed. In the very nature of things this could not be the intention of the clause. It must be intended that the work was to be of a permanent nature. That it should apply to all companies and all works wherever in the world they might be, that they should pay interest during the construction, seemed to him to be going far beyond anything that had ever been entertained by Parliament, or any other body, and he would oppose it, and most certainly go to a division if he received support, because if the work was not to be permanent they ought not to encourage it and help people to get money to carry this work out. It had been suggested that a coal mine shaft and works were permanent, and that such a company should therefore be allowed to pay interest during construction. But how could they possibly draw the line at a colliery company? If it was a lead or a tin mine the shaft was equally permanent, and so was a gold mine, and really every other enterprise had some work under construction. It might be of the most transient nature, but under this clause, as it stood, a company paid interest on the capital employed exactly as if it were a permanent thing like a railroad or a canal. It was very easy to understand how it arose in regard to great permanent works like railways and canals. A railway was a definite thing to go from one place to another. It paid practically nothing during the whole time of its construction, but when it united the two places it had almost at once a large revenue, and was able to pay interest. Parliament had seen from the first that it would be impossible to raise money for works of that kind, which gave no return for some years, unless they gave this power, but he had heard no arguments which in any way led him to believe that such a provision as this was essential, or even desirable in the case of ordinary companies. He had, therefore, great pleasure in moving that the word "permanent" should be inserted before the word "works."

Mr. SAMUEL ROBERTS (Sheffield, Ecclesall), in seconding, said he thought this was a sound Amendment. The President of the Board of Trade would be aware that the Departmental Report on which the Bill was founded said "a company expending capital in the construction of buildings or works of magnitude which cannot be placed in a profit-earning position for a lengthy period." It was evidently the intention of the gentlemen who made the Report that the works should be works of magnitude and permanence. They did not use the word "permanent," but it was evidently their intention that they should be of a permanent nature. No doubt the principle of allowing a company to pay interest on capital during construction was a perfectly sound one, for this reason, that the interest during construction was really part of the capital, because people had to wait until the works were completed before they could get any interest on their money.

Mr. LLOYD-GEORGE: I use the very words quoted from the Report of the Commissioners. They seem to imagine that they are better, and therefore I have inserted them.

Mr. SAMUEL ROBERTS said the words were "in the construction of buildings or works of magnitude." Those words were not used, but evidently it was the intention of the Report that the undertaking should be an important one, and that it should not apply to small capital outlays and undertakings of a trivial nature. The principle was a sound one and had been established by the Chancery Division of the High Court in various cases. Parliament had also laid down the same principle in the case of railway companies, canal companies, and other large companies applying for powers. The Bill extended the principle to industrial companies, but he held that it was the intention of the Report that that extension should be confined to works of magnitude and permanence, and it would be establishing a very dangerous precedent if the House were to lay down the principle that interest should be paid on capital expenditure which was merely of a revenue character. The President of the Board of Trade would quite appreciate his point. He wanted to confine this principle to capital of a permanent nature. No doubt capital was spent on various things. It was capital expenditure in the case of a large colliery putting in the machinery and providing winding ropes, cords, and other things of that character, but would it be right to pay interest on them during construction? The sinking of the shaft would be of a permanent character, and if this Amendment were passed it would confine the payment of interest on capital to works of that sort. He hoped the right hon. Gentleman would see his way to accept this Amendment.

Amendment proposed—

"In page 6, line 26, after the word 'any,' to insert the word 'permanent.'"—(*Mr. Fell.*)

Question proposed, "That the word 'permanent' be there inserted."

Sir F. BANBURY did not think there was very much in the Amendment, although, on the whole, he was inclined to think it would be better if the right hon. Gentleman accepted it. He was opposed to the clause altogether, and would be glad to see it omitted. The Board of Trade had to give their sanction and recognise that the works must be of a permanent character.

Mr. LLOYD-GEORGE said that after the hon. Baronet's remarks it was hardly necessary for him to say anything further. He had been told that the word "permanent" was a very risky word to use. No reasonable interpretation could be given of it, and they could not say whether it should apply for thirty or forty years. The Commissioners advised him that the words he had adopted were the safest to use. As the hon. Baronet had already pointed out, there was a safeguard of a very adequate kind in the fact that they had to get the sanction of the Board of Trade, and there would be an inquiry by that Department.

Mr. SAMUEL ROBERTS said his point was that there was no principle laid down to guide the Board of Trade in their decision.

Mr. LLOYD-GEORGE thought the matter might be safely trusted to the Board of Trade. Everything was very carefully safeguarded, and this was done by statutory enactment in regard to railway companies. It was very difficult to interpret what the meaning of the word "permanent" was, and he thought it would be better to stand by the words recommended by the Committee than use words of the kind suggested, which were capable of many different interpretations.

MR. FELL asked whether it would cover mining companies.

MR. LLOYD-GEORGE: I should certainly say so.

MR. MARKHAM was understood to say that it was an unwise and worthless clause, which could be evaded by anybody who wanted to evade it.

Amendment negatived.

Amendments proposed—

"In page 6, line 32, after the word 'work' to insert the words 'building or plant.'"

"In page 7, line 11, after the word 'works,' to insert the words 'or buildings.'"

"In page 7, line 11, after the word 'completed,' to insert the words 'or the plant provided.'"

"In page 8, line 6, to leave out lines 6 and 7, and line 8 to the word 'are.'"

"In page 8, line 18, to leave out from the word 'Kingdom,' to the word 'and,' in line 20, and to insert the words 'the delivery to and the receipt by the registrar of a copy of the instrument by which the mortgage or charge is created or evidenced, verified in the prescribed manner, shall have the same effect for the purposes of this section as the delivery and receipt of the instrument itself, and twenty-one days after the date on which the instrument or copy could, in due course of post, and if despatched with due diligence, have been received in the United Kingdom, shall be substituted for twenty-one days after the date of the creation of the mortgage or charge, as the time within which the particulars and instrument or copy are to be delivered to the registrar.'"—(*Mr. Lloyd-George.*)

"In page 8, line 23, to leave out the words 'deed purporting to charge specifically such property,' and to insert the words 'instrument creating or purporting to create such mortgage or charge.'"

"In page 9, line 31, after the word 'indirectly,' to insert the words 'by the company.'"

"In page 9, line 33, to leave out the word 'a,' and to insert the word 'the.'"—(*Mr. Cave.*)

Amendments agreed to.

MR. CAVE moved to add words to Clause 10 providing that Section 15 of the Companies Act, 1900, should apply in respect of the registration of a mortgage or charge under this section. He said that this was to meet a case where by inadvertence a mortgage or charge had not been registered. In a case where there had been an omission by mistake the Court ought to have power to give relief.

Amendment proposed—

"In page 11, line 2, at the end, to add the words '(10) Section fifteen of The Companies Act, 1900, shall apply in respect of the registration of a mortgage or charge under this section.'"—(*Mr. Cave.*)

Question proposed, "That those words be there added."

MR. LLOYD-GEORGE said the Amendment was unnecessary. The Act of 1900 would cover the case to which the hon. Member referred.

MR. CAVE: If the right hon. Gentleman takes the responsibility of saying that, I do not press the Amendment.

Amendment, by leave, withdrawn.

Amendments proposed.

"In page 12, line 6, after the word 'at,' to insert the words 'the time of.'"

"In page 12, line 6, after the second word 'to,' to insert the words 'the creation of.'"—(*Mr. Lloyd-George.*)

Amendments agreed to.

MR. LLOYD-GEORGE moved a new subsection in order to meet a point which was raised by the hon. Member for Durham when the Bill was before the Committee upstairs. He thought on the whole the hon. Member was right, and the clause had been redrafted in the present form.

Amendment proposed—

"In page 13, line 9, to leave out from the word 'issued,' to end of sub-section, and to insert the words, 'Provided that any person lending money on the security of a debenture re-issued under this section which appears to be duly stamped may give the debenture in evidence in any proceedings for enforcing his security without payment of the stamp duty or any penalty in respect thereof, unless he had notice or, but for his negligence, might have discovered that the debenture was not duly stamped, but in any such case the company shall be liable to pay the proper stamp duty and penalty.'"—(*Mr. Lloyd-George.*)

Amendment agreed to.

MR. DUNN moved to insert words in Clause 18 to provide that the register of debenture holders should be open to inspection free of charge to the shareholders and debenture holders of a company and to any other person on payment of a sum not exceeding 5s. He said that the reason he desired that persons other than debenture or shareholders should have this right of inspection was not far to seek. He knew personally that many a man who desired to raise money by a bill of sale had found that it would be too serious an injury to his credit, and he had, therefore, turned himself into a small limited liability company and had raised money by the issue of debentures. In the case of a bill of sale, an extract of it was sent to the county court or district in which the guarantor resided, and any person could inspect either the original document or the extract and take copies thereof on the payment of the sum of 1s.; and he thought they should also in this case make the right of inspection and the register of debenture holders as broad as possible. He could see nothing in his proposal which was likely to cause mischief, whilst on the other hand much good might come from it. He trusted the Government would see their way to accept what he claimed was a reasonable Amendment.

Mr. BOTTOMLEY, in seconding, urged that a man in business relations with a company should be permitted the opportunity, on payment of a reasonable fee, of seeing what mortgagees there were with claims prior to his own. He was curious to see what argument could be adduced against the Amendment.

Amendment proposed—

"In page 13, line 41, after the word 'company,' to insert the words 'free of charge, and to any other person on payment of a sum not exceeding five shillings.'"—(*Mr. Dunn.*)

Question proposed, "That those words be there inserted."

Mr. CAVE urged that it was unnecessary to give right of inspection of the names and addresses of the debenture holders. It was, he said, quite sufficient if there was power given to ascertain the amount of the debentures.

***Mr. CHARLES ROBERTS** (Lincoln) thought this Amendment should be accepted. There had been frauds in connection with the issue of debentures, and publicity was the best available guarantee they could have against these. He, therefore, could not see why there should be any objection to publicity in this case. There should be means of knowing the names of the debenture holders. There were cases where creditors or prospective creditors had reason to believe that a company was not managed properly. It was quite easy to ascertain at Somerset House all the names of the shareholders, but if they also knew the names of the debenture holders real light might be thrown as to whether the debentures had been issued legitimately or for a fraudulent purpose.

Mr. HARMOOD-BANNER hoped that the Amendment would not be accepted. The object of any person wanting to know the names of debenture holders could only be to carry on an agitation, or to call meetings for the purpose of initiating an agitation against the company. He could not understand those Paul Prys of commerce, who wished to look into names and not the facts and incidents which concerned the legal position of the company.

Mr. LLOYD-GEORGE said that it was rather a late stage at which to introduce this Amendment. If it had been introduced earlier in the session it might have been translated into the Bill, but it was hardly fair to those with whom an agreement had been arrived at in order to get the Bill through, now to introduce an Amendment which was obnoxious to them. He thought that every man who had a real *bona-fide* interest in debentures must sympathise with the object which the hon. Gentleman had in view, but they were protected by this Bill. What was wanted was that those who traded with a company should have a knowledge of its financial position. Some information ought to be given as in the case of a bill of sale, but debentures were in a somewhat different category from bills of sale. They were issued to the public at large, it was true, with the view of raising money. It was provided by the Act of 1900 that full information should be given to the public as to the financial position of the company, and that was quite as much as the public were entitled to. He did not think that on the whole, from the company's point of view, which was the only point he was considering now, that a case had been made out for introducing this very severe, drastic, and far-reaching provision at this period of the session.

MR. MARKHAM said that the object of the mover of the Amendment was evidently that the creditors of the company should be able to find out what the debenture charges against a company were and who held them.

MR. DUNN: And the terms on which they hold them.

MR. MARKHAM said that, even if the Amendment were accepted, it would be open to a company to issue loans amounting to many times the value of the debentures in place of them; and he reminded the House that the object of the Amendment was to give the creditors an opportunity of judging of the stability of the company.

MR. DUNN said that frauds were frequently committed by companies where the debenture holders and the shareholders were practically the same persons. It was necessary to know not only the names of the debenture holders, but something about them, and the interest which they were charging for the money lent. He was sorry that the Government could not accept the Amendment.

Amendment negatived.

Amendments proposed—

"In page 15, line 1, after the first word 'the,' to insert the word 'auditors.'"

"In page 15, line 2, to leave out the word 'auditors.'"—(*Mr. Lloyd-George.*)

"In page 15, line 7, at the end, to insert the words 'Provided that this section shall not apply to any private company.'"—(*Mr. Markham.*)

"In page 15, line 11, to leave out the words 'the nominator,' and to insert the words 'a shareholder.'"—(*Mr. Berridge.*)

"In page 15, line 13, after the word 'send,' to insert the words 'a copy of any.'"

"In page 15, line 14, after the word 'notice,' to insert the word 'thereof.'"—(*Mr. Cave.*)

"In page 15, line 16, at end, to insert the words 'Provided that if, after a notice of the intention to nominate an auditor has been so given, an annual general meeting is called for a date fourteen days or less after that notice has been given, the notice, though not given within the time required by this provision, shall be deemed to have been properly given for the purposes thereof, and the notice to be sent or given by the company may, instead of being sent or given within the time required by this provision be sent or given at the same time as the notice of the general annual meeting.'"—(*Mr. Lloyd-George.*)

"In page 15, line 41, after the word 'the,' to insert the word 'general.'"—(*Mr. Robert Balfour.*)

"In page 16, line 10, to leave out the word 'seven,' and to insert the words 'one month.'"—(*Mr. Markham.*)

"In page 16, line 15, at end, to insert the words '(2) A private company shall not be required to forward or to file the report required under Section 12 of the Companies Act, 1900.'"—(*Mr. Lloyd-George.*)

"In page 16, line 36, at the end, to insert the words '(3) Any company which is a member of another company may, by minute of the directors, authorise any of its officials or any other person to act as its representative at any meeting of the latter company, and such representative shall be entitled to exercise the same functions on behalf of the company which he represents as if he had been an individual shareholder.'"—(*Mr. Robert Balfour.*)

"In page 17, line 12, after the word 'liquidator,' to insert the words 'appointed by a company.'"—(*Mr. Lloyd-George.*)

"In page 17, line 16, to leave out the word 'later,' and to insert the word 'less.'"

"In page 17, line 16, after the word 'fourteen,' to insert the words 'not more than twenty-one."

"In page 17, line 34, after the word 'act,' to insert the words 'as liquidator.'"

"In page 17, line 36, after the word 'inspection,' to insert the words 'either together with or without any such appointment of a liquidator.'"—(*Mr. Berridge.*)

Amendments agreed to.

MR. BERRIDGE moved to add the following new subsection—"(6) The provisions of this section shall not apply in the case of a winding-up for the purpose of reconstruction or sale to or amalgamation with another company where provision is made for payment of creditors in full within two months from the commencement of the winding-up. Provided that if the creditors are not so paid then the provisions of this section shall apply and the times mentioned in Subsection 1 hereof shall be reckoned as from the expiration of the said period of two months." He said that in Committee it was promised to consider this Amendment, and he was sorry to hear that the

Government could not accept it. He, however, wished formally to move it in order that an explanation might be given why it could not be accepted. There were many cases where a company went into liquidation for the purpose of reconstruction or the sale of its assets with the main object of providing money for the benefit of the creditors and further capital for carrying on the business of the company, and it seemed to him and to people of good practical experience that that very object might be defeated if all the publicity which this section entailed applied. He thought it was necessary to add the proviso that if within two months the creditors were not paid the provisions of the section should apply. He begged to move.

Mr. HARMOOD-BANNER, although he thought the Amendment did not go far enough, seconded it. The clause, he said, was decidedly hostile to proposals which would secure a sale, an amalgamation, or the liquidation of a company. He really did not see that the Amendment would do any harm, and it would be particularly beneficial in facilitating the raising of mone and dealing with property in the best interests of the shareholders.

Amendment proposed—

"In page 18, line 11, at the end, to insert the words '(6) The provisions of this section shall not apply in the case of a winding-up for the purpose of reconstruction or sale to or amalgamation with another company where provision is made for payment of creditors in full within two months from the commencement of the winding-up. Provided that if the creditors are not so paid then the provisions of this section shall apply and the times mentioned in Sub-section 1 hereof shall be reckoned as from the expiration of the said period of two months.'"—(*Mr. Berridge.*)

Question put, "That those words be there inserted."

Mr. RUFUS ISAACS (Reading) said that all the arguments put forward by the mover and seconder of this Amendment had been considered, and it was found impossible to give effect to them as suggested. Where there was provision for debts and no real risk to the creditors the clause would in a sense be ineffective, for there would be no application by the creditors for another liquidator so long as they knew their debts were going to be paid. All that the section was intended to do was to give protection—it was not a great one—in the interests of the creditors by giving them an opportunity of going to the Court at their own risk and applying for the appointment of another liquidator. If the Amendment were inserted it would get rid of some of the main provisions inserted for the protection of the creditors. He therefore suggested that the Amendment should be rejected.

Amendment negatived.

*Mr. HILLS moved to leave out Clause 32, which gives the Court power to grant relief to directors in certain cases. The Amendment, he said, raised an important point. The clause itself was in two distinct parts. Subsection 1 said that where a director was personally liable for breach of any duty imposed upon him by the Companies Acts and where that breach was caused by honest oversight, inadvertence, or error of judgment on his part, the Court might relieve him of responsibility. He did not object to that principle. He thought they must all admit that the duties of a director were complicated and that the present Act extended and still further complicated them. They could not expect a man leading a very busy life to make no mistakes, and it would be hard if in certain cases where a perfectly innocent mistake was made he should be held responsible in his own pocket. Still it was going a long way to say they must whitewash a man for an offence before he had committed it. They were passing an Act which protected the public and the shareholders and which for their protection imposed certain responsibilities on directors, and in the same Act they said that any breach of duty, even though a loss was occasioned thereby, was not to make a director liable personally. He asked how far this was an extension of the present law and how far it was a statement of that law. It was well known that the Court could give relief in a case of honest negligence, and he did not quite follow how far this was to be an extension or only a statement of that law. The second part of the clause was much more important than the first. The first part related only to breaches of duty which were more or less formal acts, but the second subsection said that if a director was guilty of negligence or breach of trust the Court might relieve him if he could prove he had acted honestly and reasonably. He thought there ought to be a power of this sort in the Court. Where a man acted reasonably and fairly he ought to be relieved. But the present law in respect to the liability of directors for negligence was perfectly clear. It was not Statute law. It was case law, but it was perfectly clear. In order to prove that a director was responsible for negligence some moral obliquity had to be proved; negligence alone was not sufficient, fraud must be proved besides. Was this clause a statement of the law as it stood to-day or was it an extension of immunity to directors? If it was a statement of the law, its form was very objectionable, because the law was perfectly clear. As Lord Justice Buckley said in his book on Company Law, there had been no case in which a director had been held answerable for loss in respect of an innocent mistake. His objection to this clause was that, if it was a statement of the law it would introduce confusion into a law that was perfectly clear. On the other hand, if it was intended by the subsection to extend the immunities of directors, then it was a matter for the House carefully to consider how the law stood before making any such extension. In one very well-known case of a bank, in which the law was laid down by the House of Lords, Lord Macnaughten said as soon as the charge of moral obliquity was withdrawn the case was at an end. The question was whether this clause extended that immunity or not. His own opinion was that in that regard the law had gone quite far enough and rather too far in the way of protecting directors. They had to look not only at the honesty of the director but also to his competence, and in extending this immunity they should carefully consider how far it would take them. At present no director was responsible for his incompetence, a man might become a director of a company of a highly technical kind, and receive high fees and by his incompetence cause the shareholders a considerable loss, and therefore, before any extension of immunity was allowed the matter ought to be very carefully scrutinised. Under these circumstances he hoped the Government would either explain the clause in a way satisfactory to him or else omit it. He begged to move.

*MR. RADFORD (Islington, E.) seconded the Amendment. Apart from the question of the form of the clause, he desired to protest against the method in which it was proposed to deal with this subject. They were told in the clause that under certain conditions the Court might come to the conclusion that a director ought fairly to be excused. If a man had broken the law by an act either of omission or of commission he should be tried by the law, but the House was being asked to say that although a director had broken the law yet he ought to be excused. On what ground ought he to be excused, and what was the tribunal that was to decide the matter? If Judges were to have the duty of deciding not on grounds of law but on moral grounds, a large number of conflicting decisions would be set up as to what a man ought to do and why he ought to be excused. The right to be excused would be as uncertain as the equity of the sixteenth century which was said to depend on the length of the Chancellor's foot. The day of Judge-made law was over. He was surprised that the Government should have introduced a Bill which contained a clause enabling a Judge to excuse a man for having broken the law. Judges were not the best tribunal to decide as to what was duty in the abstract, but only as to what was duty in the legal sense. He therefore hoped this clause would be reconsidered.

Amendment proposed—

"In page 19, to leave out Clause 32."—(*Mr. Hills.*)

*MR. LLOYD-GEORGE said that men were made directors of companies for different reasons. A man might be an inventor, for instance, and it would be rather hard if, having been made a director because of his expert knowledge, he were held to be responsible for some great financial blunder in which he had no part, and against which he was never expected to protect the public. Or, they might have a man who was a great expert in finance, and who was put on the board purely because of that. There might be another branch of the business which he knew nothing about, which he was not expected to understand, and which was more or less left to other directors. So long as each director acted honestly in the special branch of the business allocated to him, he ought to have some protection. But he was not, of course, in favour of protecting the directors who grossly neglected their duty, and who showed that the trust which the public rested in them was misplaced. But the point was that they must not frighten away the best class of men. That would be a very bad thing. There was a certain kind of men who would be frightened away if they made the law too stringent, but the very last to be kept away would be those men whom they did not desire to see made directors; they would put a premium upon that class of directors if they made the law so stringent as to keep everybody else off. They wanted, after all, to encourage the best men, and they must not frighten them away by extravagant provisions, the simple reading of which would prevent a nervous man from becoming a director, for the pay was not sufficient inducement to a man of that kind to go on. While he did not think they should insert provisions of that kind to frighten desirable men away, he wanted such protection of the public as was given in the Judicial Trustees Act. He wanted to insert something of that kind. He did not quite like the first sub-section, he candidly confessed. He did not like it when his attention was called to it first of all, and he liked it still less after consulting those responsible for introducing it. He had not quite liked to accept responsibility upstairs, but he had taken counsel since about it, and those who were responsible for the clause agreed that perhaps on the whole the words of the first subsection were too wide for the purposes of protecting the honest director, who had made a mistake through no fault of his own. It might be that a director of that kind was amply looked after under Subsection (2), taken from the Judicial Trustees Act, and which, no doubt by this time, had stood the test of judicial interpretation. The Speaker had put the question in such a way that he could move the omission of Subsection (1), and the hon. Gentleman would find that Subsection (2) on the whole offered fair and reasonable protection for the defence of the innocent and honest director whom it was desirable to encourage. If the hon. Gentleman would agree to that he should be very happy to assent to an Amendment.

Mr. RAWLINSON (Cambridge University) pointed out that by the Act of 1890, every director was responsible for every statement in the prospectus, and made at the time he was a director, and he could only excuse himself if he could show not only his *bona fides*, but that he reasonably believed the statements made in the prospectus. He approved Subsection (1) on the whole, and he ventured to press upon the right hon. Gentleman to keep the section as it stood. If they struck it out, and left in Subsection (2), they had this difficulty. In an action for misfeasance under the Act of 1890, a jury would naturally be inclined to be prejudiced against a director who had in any way allowed the plaintiff to be misled by a statement in the prospectus. In reference to Subsection (2), which was taken from the Judicial Trustees Act, and which dealt with other proceedings, he ventured to submit that there would be very considerable difficulty in dealing with the question of when the Court was to intervene in a case. They had not to assume the case of a man guilty of fraud or moral obliquity, but simply that of an expert who understood the technical part of the work, who had foolishly taken on trust the statements inserted in a prospectus, and who, possibly, had sat side by side with somebody else, and had not attended to what was being discussed.

Mr. MARKHAM said the argument used by the hon. Gentleman in support of his Amendment was the most extraordinary he had ever heard advanced in that House. It was that if a director, though he acted honestly and reasonably, was negligent, then, because the director was negligent, they were to set up a standard of what was negligent. How could a Court of law possibly set up a standard of what was negligent and what was not negligent? Who was to say whether a man was competent or whether he was not? He hoped the President of the Board of Trade would not accept the Amendment for the omission of Sub-section (1), because if a director had acted honestly and reasonably, what more could they require from a man of business? Everybody with any common sense knew what reasonable competency was, and, as the President of the Board of Trade had repeatedly pointed out, there were many public companies whose directors were appointed solely and wholly because of their knowledge of the particular branch of industry in which the company operated. If an engineer sat on the board it simply meant that it was because he had expert knowledge. He took no part as a director in the general administration of the company, but solely concerned himself with that with which he was thoroughly competent to deal. To penalise certain directors because in the opinion of some people others had failed to do their duty would be to act unreasonably. He hoped the Government would adhere to the clause as it stood.

MR. LUPTON (Lincolnshire, Sleaford) said that by this Bill a fine amounting to £125 per day might be inflicted upon each officer and director for breaches of technical rules that might not be discovered until some years afterwards. Further, the director or officer might be quite ignorant of his breach, by which no one would be damaged, yet the director or officer for 100 days might be fined £12,500. Why should they not be allowed to go to the Court to express their regret, and obtain the requisite relief before anyone was damaged?

MR. SAMUEL ROBERTS said there was this objection to the withdrawal of Sub-section (1), that the director who had made a slip would have to wait until proceedings were taken against him under Sub-section (2). Under Sub-section (1) he would be able to make an *ex parte* application, and the Court could grant him relief; but under Sub-section (2), he would have to wait in terror, with this hanging over his head, until proceedings were instituted. He fully admitted that the words "honest oversight, inadvertence, and error of judgment" were somewhat wide, and the effect of the subsection might be to extend the law in a direction that was not desirable; but he hoped that the President of the Board of Trade would see his way to allow a director to take the initiative and make an *ex parte* application for relief from the liabilities he had inadvertently incurred. A director could make application just in the same way as a Parliamentary candidate applied *ex parte* for relief if he had made a mistake during the election.

*MR. REES (Montgomery Boroughs) hoped the right hon. Gentleman would retain the subsection. He appreciated entirely what had fallen from the hon. and learned Gentleman the Member for Cambridge University and from the hon. Member for Mansfield; but manifestly on a question like this it was only fair that the directors themselves should have their say. It happened that there was a body of gentlemen of the highest position and integrity in the business world, the Institute of Directors, who seemed to think that directors required all the protection that could be given to them by this clause. Indeed they had circulated a short statement on this subject, asking for further protection than that granted. He did not press for the further measures for which they asked, but he did ask for the retention of what had been approved already upstairs. He urged the President of the Board of Trade to consider that the liabilities of directors were being increased by the Bill, and unless they were given increased protection, the class of men most wanted on the boards of public companies would be deterred from giving their services. Not only would men of high integrity and position be deterred but also experts in special departments. He would instance the case of an electrician who was properly put on a board of directors because of his special knowledge, yet could not possibly concern himself with the general management of the company's business: Was such a director to be made liable without the protection given him by this section and by the first subsection? He did not understand the remark which had been made as to Judges being incompetent to deal with such a matter as this, and in fact, he altogether demurred to any such view. Judges would be well able to exercise the powers they were called on to exercise under the whole section. The House could not expect all directors to be competent any more than they could expect all lawyers to be infallible. He urged the President of the Board of Trade to retain Subsections (1) and (2), contending that they did not go beyond the requirements of the case.

Mr. HARMOOD-BANNER also appealed to the right hon. Gentleman to maintain the clause as it stood. This Amendment would take away a considerable amount of protection given by the Bill. Very great responsibility would be thrown on the directors, and consequently there was all the more reason for giving them proper protection. Was it a fact that the highest legal luminary in the land had approved of this clause and that in fact it was a clause of his own creation? He believed this was a clause framed by the Lord Chancellor, and therefore it was rather strange they should be listening to people who told them it was not a proper one. It had further to be borne in mind that the clause had been recommended by the Committee on the Companies Act—a body of very eminent men consisting of all classes—who had all the evidence before them. He did not wish to enter into any argument with legal gentlemen, but he knew that any litigation in the future must be for their benefit. On the grounds that the clause was approved by the Lord Chancellor, that the responsibilities of the directors would be immensely increased, that the Companies Act Committee had unanimously approved it, he appealed to the President of the Board of Trade to adhere to his original decision and to pass the clause as it stood.

Lord R. CECIL hoped the Government would adhere to the compromise which had been suggested by the President of the Board of Trade, as it would give all reasonable protection to the directors and would not involve the Courts and the directors themselves in very difficult questions.

Subsection (1) negatived.

Amendments proposed—

"In page 21, line 12, at the end, to insert the words 'and (c) have the name of the company and of the country in which the company is incorporated, mentioned in legible characters in all bill-heads and letter paper, and in all notices, advertisements, and other official publications of the company.'"

"In page 21, line 20, after the word 'certified,' to insert the words 'in the prescribed manner.'"

"In page 21, line 20, to leave out from the word 'translation,' to end of line 22."—(*Mr. Lloyd-George.*)

Amendments agreed to.

Mr. MARKHAM moved to add at the end of Subsection (6) in Clause 35, the words: "A share transfer or a share registration office would be deemed to be a place of business within the meaning of this section." He said that the object of the clause was to make clear the words "a place of business." He had asked some of his legal friends whether a transfer office in this country belonging to a company abroad would constitute a place of business, and finding that opinion on the point was divided he put the Amendment on the Paper. He thanked the President of the Board of Trade for having intimated his acceptance of the words, because they would enable the holders of shares in companies in South Africa and other parts of the world to obtain at Somerset House all the particulars relating to their investment.

Amendment proposed—

"In page 21, line 22, at the end of Sub-section 6 to add the words 'a share transfer or share registration office would be deemed to be a place of business within the meaning of this section'"—(*Mr. Markham.*)

Question proposed, "That those words be there inserted."

SIR F. BANBURY remarked that there were many companies having offices in this country who did their share business through Mr. Pierpont Morgan's offices, and the proposed Amendment would cause inconvenience to such American companies.

Amendment agreed to.

Amendment proposed—

"In page 21, line 32, to leave out from the word 'which,' to end of sub-section, and to insert the words 'by its articles (a) restricts the right to transfer its shares, and (b) limits the number of its members (exclusive of persons who are in the employment of the company) to fifty, and (c) prohibits any invitation to the public to subscribe for any shares or debentures of the company.'"—(*Mr. Lloyd-George.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. HARMOOD-BANNER said he was indebted to the right hon. Gentleman for the alteration. He did not believe in numbers in this connection, and he would have been glad if the number had been excised altogether. It would have worked very much better. He had no doubt that the legal advisers of companies would get round this particular clause, but he thought he had been fairly met and so he accepted it.

*MR. REES said that when the Bill was in Committee he thought it was unnecessary to specify the numbers to which a private company should be limited. But the right hon. Gentleman took the other line, and in view of his greater experience in such matters he himself rather feared that he might be wrong. The President of the Board of Trade had in some previous incarnation attained to such a firm grasp of the principles of business, that he never felt quite comfortable when he was not in accord with the right hon. Gentleman's views. Having made inquiries in the City in regard to the matter he had arrived at the conclusion that the number fifty would probably cover every really private company, and that some restriction was probably necessary, because if no number were inserted in the clause the means of evading the law would be greatly facilitated.

Amendment agreed to.

MR. J. D. WHITE (Dumbartonshire) moved an Amendment to prohibit a private company from allotting or transferring any of its shares to a public company. He thought it was in accordance with the object of the Act if a private company were to transfer a large proportion of its shares to a public company it should be possible to secure in that way all the advantages of a private company in the matter of balance sheets.

MR. RAWLINSON, in seconding the Amendment, said it would shut one of the doors which were left open to fraud under the provisions which would now be applied to private companies by this Bill. He would have liked the hon. Member's Amendment to have also prohibited the transfer of any of the shares of a private company to trustees to be held in trust on behalf of a public company. That would still further have prevented the evasion of the law. But if the hon. Member thought it would be inconvenient to accept that suggestion, he would not press it. Unless some such Amendment as that moved by the hon. Member was carried, this section might be used for the evasion of the Companies Acts altogether.

Amendment proposed—

"In page 21, after the words last inserted, to insert the words, 'and (d) prohibits the allotment and transfer of any of its shares to a public company.'"—(*Mr. J. D. White.*)

Question proposed, "That those words be there inserted."

MR. HARMOOD-BANNER, in opposing the Amendment, said it would prevent a big steamboat company from taking shares in a company which owned a tug boat or a trawler. It would prevent a colliery company from taking shares in a waggon-building company, and it would, in short, prevent a public company from taking any sort of financial interest in smaller companies, though the public company might be interested in encouraging the business for which the smaller companies were formed. He believed if they were to do that they would be going the wrong way.

To prevent a public company from exercising the rights of a private individual in regard to the acquirement of shares would be really to impose a limitation by law which he could not understand, and yet that was what must be the position if they prohibited the transfer of shares in the way proposed by the Amendment. He ventured to say that if the share lists in London were examined it would be found that there were dozens of cases in which one limited company held shares in other limited companies whether private or public.

MR. LLOYD-GEORGE said that although he sympathised much with what had been said by his hon. friend who moved the Amendment, he thought it was rather risky to accept one Amendment of this sort, dealing with such a complicated matter as company law, without full time being allowed to consider it. The Amendment in the form in which it had been moved did not appear on the Paper, and therefore he did not think it would be desirable at this stage to accept it. It might have a very far-reaching effect. He was not prepared to agree with all that had fallen from the hon. Member for the Everton Division of Liverpool, but there were legitimate occasions when the transfer of shares to a public company by a really *bona-fide* private company might be indulged in. A private company which desired to take that course would be put out of count entirely by this clause. He did not think the Amendment was necessary for the real definition of a private company.

MR. CLAUDE HAY asked whether the clause could not be evaded by putting shares in the name of a nominee of the company.

Question put, and negatived.

MR. RAWLINSON moved to insert words providing that wherever in the Companies Acts a minimum of seven members was required only two members should be required in the case of a private company. He said that a minimum of two in a private company should be sufficient.

Amendment proposed—

"In page 22, line 17, at the end, to add the words '(4) Wherever in the Companies Acts a minimum of seven members is required only two members shall be required in the case of a "private company."' "—(*Mr. Rawlinson.*)

Question proposed, "That those words be there inserted."

MR. HARMOOD-BANNER asked whether two instead of seven would be required to form a limited company in the future. He thought seven signatures were required to assure the *bona fides* of the company.

MR. LLOYD-GEORGE said that all that would be necessary if the minimum were to remain at seven would be to get five clerks to take a merely nominal interest in the concern.

Question put, and agreed to.

Amendments proposed.

"In page 22, line 34, after the word 'passed,' to insert the words 'by a majority of shareholders of that class representing three-fourths of the capital of that class.'"

"In page 22, lines 34 and 35, to leave out the words 'by shareholders of that class.'"

"In page 22, line 36, to leave out the words 'passed and.'"

"In page 22, line 37, to leave out the words 'be a valid special resolution binding,' and to insert the word 'bind.'"—(*Mr. Lupton.*)

"In page 23, line 2, to leave out from the word 'company,' to the end of the clause, and to insert the words 'nor any other assurance company to which the provisions of the Life Assurance Companies Acts, 1870 to 1872, as to the annual statements to be made by such companies apply, with or without modification, if the company complies with those provisions.'"

"In the first Schedule, page 27, line 17, to leave out the word 'preference.'"—(*Mr. Lloyd-George.*)

Amendments agreed to.

Motion made, and Question, "That the Bill be now read a third time."—(*Mr. Lloyd-George.*)—put, and agreed to.

Bill read the third time, and passed.

FACTORY AND WORKSHOP BILL.

As amended (by the Standing Committee) considered.

Amendments proposed—

"In page 2, line 7, after the word 'employment,' to insert the words 'of women.'"

"In page 2, line 8, to leave out the words 'of women.'"—(*Mr. Gladstone.*)

Amendments agreed to.

MR. GILL (Bolton) moved an Amendment to provide that the number of days in each year on which one hour's overtime might be worked in laundries should be thirty instead of sixty, as proposed. Looking to the arduous character of the work, he did not think that women and girls employed in laundries should be allowed to work any overtime. He looked upon overtime as the great curse of trade, and he thought the House should take some steps with the view to its prevention wherever practicable. The working of overtime had a great deal to do with the question of unemployment, because if people would only work ordinary hours there would be employment for many of those who were unable to find employment. It would, no doubt, be argued that this would create a distinction in the conditions as between laundries and non-textile factories where in the present state of the law two hours overtime was allowed for sixty-eight days in the year. He held that the greater the amount of overtime allowed the greater was the opportunity for evading the law. He thought that Parliament should take steps to prevent women and girls working the long hours they now did. The hours of employment in laundries ought to be the same for women and girls as in the textile factories. He begged to move.

MR. ARTHUR HENDERSON (Durham, Barnard Castle) urged the necessity of the Home Secretary's taking this Amendment into his favourable consideration. The conditions under which women and girls were employed in some laundries were deplorable. Under this Bill they would be still permitted to work thirteen hours a day; and he thought it would be admitted that the longer the hours worked and the more overtime allowed the more opportunities were afforded for the evasion of the law. He thought the Home Secretary would be acting wisely if the number of days on which overtime could be worked was reduced from sixty to thirty.

Amendment proposed—

"In page 2, line 15, to leave out the word 'sixty,' and insert the word 'thirty.'"—(*Mr. Gill.*)

Question proposed, "That the word 'sixty' stand part of the Bill."

*THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. GLADSTONE, Leeds, W.) said he had much sympathy with the dislike of overtime expressed by the hon. Members who had moved and seconded the Amendment. But overtime was a necessary evil. He would be loth to sanction any more extended period of overtime than was strictly required by the circumstances of the case. The hon. Member for Bolton knew as well as he did that one of the reasons why the laundries were permitted for so long a period to escape from the operation of the Factory and Workshops Act was because of the special difficulties of the trade. Those special difficulties were notorious. This clause did not apply to young persons under eighteen years of age, but simply to women. This was a necessary concession to the trade. Under the influence of legislation the habits of the people might change, and consequently the necessity for overtime. As it was there were many laundries all over the country in which the work had to be done under pressure during certain seasons of the year, when no doubt the workers were extremely hard pressed. It was impossible to say how the difficulty could be overcome except by this provision in the Bill. He thought, however, that notwithstanding the particular circumstances which required overtime to be worked, it was not advisable that those employed in laundries should be in a worse position than those engaged in other trades under the provisions of the Factory and Workshop Act. The Amendment proposed that the overtime to be worked should be one hour for thirty days. The Act of 1901 allowed two hours for thirty days. The Government in this clause proposed that the overtime should be one hour for sixty days. He agreed that there was a certain danger as to inspection, but the Chief Inspector and assistant inspectors saw no difficulty in working the provisions of the clause. Under these circumstances he hoped his hon. friend would not press his Amendment.

*SIR CHARLES DILKE (Gloucestershire, Forest of Dean) said he would support his hon. friend the Member for Bolton if he went to a division. Some hon. Members interested in this question felt very strongly that inspection under the complicated provisions of the Bill would be impossible. In the case of another trade—the jam trade—the inspectors who thought that inspection could be made effective were proved to be wrong.

MR. COURTHOPE (Sussex, Rye) said that the difficulty of overtime in laundries was felt most acutely in places where the season was short, and from that point of view the laundries would suffer. He thought it would be much better for the laundries if the two hours overtime were allowed for thirty days.

*MR. GLADSTONE said that that was not so. The Bill as it originally stood provided for the overtime of two hours being worked for thirty days, but the laundries made strong representations that they could not get their work done under that plan and one hour for sixty days was substituted.

MR. CURRAN (Durham, Jarrow) said that the difficulty could be easily met by the laundries distributing their work over a larger number of people. There were plenty of public laundries which could employ a larger number of women and girls to overtake the work. It should be remembered that laundry work was the most arduous in which women and girls could be engaged. Parliament had passed vigorous laws in regard to the textile trade, but in that trade the women and girls were sweated not nearly so much as in the laundries.

*THE UNDER-SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. HERBERT SAMUEL, Yorkshire, Cleveland) said that the whole purpose of this part of the Bill was to bring the laundries under the same restrictions as other trades. The only modification of the usual provisions of the Factory Act which was allowed by this provision of the Bill was that instead of working two hours overtime on thirty days, the employees would be allowed to work one hour overtime for sixty days.

MR. WILLIAM ABRAHAM (Glamorganshire, Rhondda) said that he objected to continuous long hours of work, and it was time that the House should consider that twelve hours a day were quite sufficient for any woman or girl to work, taking into account the various atmospheres they had to endure. He really thought that the Home Secretary on reconsideration should withdraw the clause, and if he did not the House should go to a division.

MR. C. DUNCAN (Barrow-in-Furness) supported the Amendment. In the district in which he lived he saw a very large number of girls who were anæmic and lacked development from the long hours they had to work. If nine and a half hours were considered a long enough day for a man, they were long enough for a woman. He could understand it if an inspector was present to see that the work ceased at the time, but experience went to prove that when the hours were fixed it was a very rare thing for women to get off at that time. The way in which it would work out was that in a great number of cases where the women were allowed to work for an extra hour four days a week—the sixty occasions on which they would be allowed to work for this hour would run consecutively, and that, in the hottest period of the year. The House ought to take exception to these long hours, and, if they claimed to represent a Christian people, put their foot down upon this scandal, and insist upon work being conducted in a manner consistent with the religion they professed.

Question put.

The House divided :—Ayes, 179 ; Noes, 66. (Division List No. 455.)

AYES.

Abraham, William (Cork, N.E.)
Acland, Francis Dyke
Acland-Hood, Rt Hn. Sir Alex. F.
Asquith, Rt. Hon. Herbert Henry
Balfour, Robert (Lanark)
Banbury, Sir Frederick George
Barry, Redmond J. (Tyrone, N.)
Beach, Hn. Michael Hugh Hicks
Beauchamp, E.
Beck, A. Cecil
Benn, Sir J. Williams (Devonp'rt
Benn, W. (T'w'r Hamlets, S. Geo.)
Berridge, T. H. D.
Bertram, Julius
Boland, John
Bramsdon, T. A.
Brodie, H. C.
Brunner, J. F. L. (Lancs., Leigh)
Buchanan, Thomas Ryburn
Burke, E. Haviland-
Buxton, Rt. Hn. Sydney Charles
Campbell-Bannerman, Sir H.
Carlile, E. Hildred
Carr-Gomm, H. W.
Causton, Rt. Hn. Richard Knight
Cavendish, Rt. Hon. Victor C. W.
Cawley, Sir Frederick
Cecil, Lord R. (Marylebone, E.)
Cherry, Rt. Hon. R. R.
Clancy, John Joseph
Clarke, C. Goddard (Peckham)
Cleland, J. W.
Corbett, C. H (Sussex, E. Grinst'd
Courthope, G. Loyd
Cox, Harold
Cullinan, J.
Douglas, Rt. Hon. A. Akers-
Duckworth, James
Duffy, William J.
Elibank, Master of
Erskine, David C.
Esslemont, George Birnie
Everett, R. Lacey
Ferens, T. R.
Ferguson, R. C. Munro
Ffrench, Peter
Field, William
Findlay, Alexander
Flavin, Michael Joseph
Forster, Henry William
Fowler, Rt. Hon. Sir Henry
Fuller, John Michael F.
Gibb, James (Harrow)
Gibbs, G. A. (Bristol, West)
Ginnell, L.
Gladstone, Rt. Hn. Herbert John
Goddard, Daniel Ford
Grant, Corrie
Grey, Rt. Hon. Sir Edward
Gulland, John W.

Gurdon, Rt Hn. Sir W. Brampton
Gwynn, Stephen Lucius
Haldane, Rt. Hon. Richard
Hammond, John
Harmsworth, R. L (Caithn'ss-sh)
Haworth, Arthur A.
Hayden, John Patrick
Hazleton, Richard
Healy, Timothy Michael
Helme, Norval Watson
Henderson, J. M. (Aberdeen, W
Higham, John Sharp
Hobart, Sir Robert
Hogan, Michael
Holland, Sir William Henry
Holt, Richard Durning
Horniman, Emslie John
Idris, T. H. W.
Jardine, Sir J.
Jones, William (Carnarvonshire)
Kearley, Hudson E.
Kennedy, Vincent Paul
Kilbride, Denis
Laidlaw, Robert
Lambert, George
Lamont, Norman
Lardner, James Carrige Rushe
Leese, Sir Joseph F. (Accrington)
Lever, A. Levy (Essex, Harwich)
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lonsdale, John Brownlee
Lough, Thomas
Lowe, Sir Francis William
Lundon, W.
Lupton, Arnold
Lyell, Charles Henry
Mackarness, Frederic C.
Macnamara, Dr. Thomas J.
MacVeagh, Jeremiah (Down, S.)
MacVeagh, Charles (Donegal, E.)
M'Callum, John M.
M'Crae, George
M'Hugh, Patrick A.
M'Kenna, Rt. Hon. Reginald
M'Killop, W.
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Meehan, Patrick A.
Menzies, Walter
Micklem, Nathaniel
Molteno, Percy Alport
Mooney, J. J.
Morrell, Philip
Morton, Alpheus Cleophas
Muldoon, John
Murphy, John (Kerry, East)
Murphy, N. J. (Kilkenny, S.)
Napier, T. B.
Nield, Herbert

Nolan, Joseph
Norton, Capt. Cecil William
O'Brien, Kendal (Tipperary Mid.
O'Connor, John (Kildare, N.)
O'Connor, T. P. (Liverpool)
O'Doherty, Philip
O'Donnell, C. J. (Walworth)
O'Kelly, James (Roscommon, N.
O'Malley, William
Pearce, Robert (Staffs., Leek)
Pearce, William (Limehouse)
Pirie, Duncan V.
Power, Patrick Joseph
Radford, G. H.
Rainy, A. Rolland
Rawlinson, John Frederick Peel
Rea, Russell (Gloucester)
Reddy, M.
Redmond, John E. (Waterford)
Redmond, William (Clare)
Rees, J. D.
Rickett, J. Compton
Roberts, S. (Sheffield, Ecclesall)
Robertson, J. M. (Tyneside)
Robinson, S.
Robson, Sir William Snowdon
Roe, Sir Thomas
Runciman, Walter
Russell, T. W.
Samuel, Herbert L. (Cleveland)
Samuel, S. M. (Whitechapel)
Seely, Colonel
Shaw, Rt. Hon. T. (Hawick B.)
Sheehy, David
Shipman, Dr. John G.
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Smyth, Thomas F. (Leitrim, S.)
Stewart, Halley (Greenock)
Strauss, E. A. (Abingdon)
Talbot, Lord E. (Chichester)
Thomson, W. Mitchell- (Lanark)
Turnour, Viscount
Ure, Alexander
Verney, F. W.
Walton, Sir John L. (Leeds, S.)
Waring, Walter
Waterlow, D. S.
Wedgwood, Josiah C.
Weir, James Galloway
White, J. D. (Dumbartonshire)
Whitehead, Rowland
Whitley, John Henry (Halifax)
Wilson, P. W. (St. Pancras, S.)
Winfrey, R.
Wood, T. M'Kinnon

Tellers for the Ayes—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Abraham, William (Rhondda)
Baker, Sir John (Portsmouth)
Banner, John S. Harmood-
Baring, Godfrey (Isle of Wight)

Bell, Richard
Bethell, Sir J. H (Essex, Romf'rd)
Bowerman, C. W.
Brace, William

Byles, William Pollard
Clough, William
Clynes, J. R.
Cremer, Sir William Randal

Davies, Timothy (Fulham)
Dickinson, W. H (St. Pancras, N.
Dilke, Rt. Hon. Sir Charles
Du Cros, Harvey
Duncan, C. (Barrow-in-Furness)
Edwards, Enoch (Hanley)
Fenwick, Charles
Gill, A. H.
Glover, Thomas
Gooch, George Peabody
Gretton, John
Harvey, W. E (Derbyshire, N. E.)
Hay, Hon. Claude George
Hazel, Dr. A. E.
Henry, Charles S.
Hills, J. W.
Hunt, Rowland
Illingworth, Percy H.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jowett, F. W.
Kelley, George D.
King, Alfred John (Knutsford)
Macdonald, J. M. (Falkirk B'ghs)
Maclean, Donald
Macpherson, J. T.
Manfield, Harry (Northants)
Money, L. G. Chiozza
Myer, Horatio
Nicholls, George
Nicholson, Charles N (Doncast'r)
Nuttall, Harry
O'Grady, J.
Parker, James (Halifax)
Price, C. E. (Edinb'gh, Central)
Richards, Thomas (W. Monm'th)
Richards, T. F. (Wolverh'mpt'n)
Roberts, Charles H. (Lincoln)
Rowlands, J.
Sears, J. E.
Sherwell, Arthur James
Silcock, Thomas Ball
Sloan, Thomas Henry
Snowden, P.
Summerbell, T.
Taylor, John W. (Durham)
Toulmin, George
Walsh, Stephen
Walters, John Tudor
Wiles, Thomas
Wilson, W. T. (Westhoughton)
Yoxall, James Henry

TELLERS FOR THE NOES—Mr. Arthur Henderson and Mr. George Roberts.

Amendment proposed—

"In page 2, line 28, at the end, to insert the words 'The entry required to be made in the prescribed register by Subsection (4) of the said Section 60 as so applied shall, in the case of overtime employment under Paragraph (*b*), be made before the commencement of the overtime employment on each day on which it is intended that there should be such employment, and in reckoning the sixty days for the purposes of Paragraph (*b*) every day on which any woman had been employed overtime shall be taken into account.' "—(*Mr. Gladstone.*)

Amendment agreed to.

MR. ARTHUR HENDERSON moved an Amendment limiting the special exceptions in the clause a period of two years. He did so because it was admitted not only that there ought to be an Amendment of the Factory Acts, but that the whole of the existing Acts should be consolidated. These Amendments were not intended by the right hon. Gentleman to be permanent, and the object of this Amendment was to extract a promise from the right hon. Gentleman that he would bring in a consolidating and amending Bill within two years. If the right hon. Gentleman could not do that they would be willing to extend the period of restriction to another year if the right hon. Gentleman could see his way to promise that such a Bill would be brought within that period. What they desired to do by this Amendment was to prevent the matter being thrown over to another Parliament and being indefinitely postponed. He begged to move.

MR. CROOKS (Woolwich) formally seconded the Amendment.

Amendment proposed —

"In page 2, line 28, at the end, to insert the words 'and shall remain in operation for two years only after the passing of this Act.' "—(*Mr. Arthur Henderson.*)

Question proposed, "That those words be there inserted."

*MR. GLADSTONE said this Amendment was moved in Committee and subsequently withdrawn by the hon. Member for Leicester. He suggested to the House that it would be better not to accept it. It was not desirable to impose a limit to the operation of the provisions of the Bill, when they could not foresee the precise conditions which would operate when the clause lapsed. He thought the argument adduced by his hon. friend with regard to the necessity of amending the Factory Acts was rather against the Amendment. The hon. Gentleman wished for a pledge, but they could not make pledges for two years hence. He did not know where he himself might be in two or three years time, or where this House of Commons would be. There might be another House of Commons. ["Oh!"] But he did not think that that would operate against the introduction of an amending Bill, because there were so many points which required to be dealt with that whatever Government was in office must undertake the responsibility. Therefore seeing that the prospects of an amending Bill were so good it would be better not to accept the Amendment. He did not like to legislate in this way for one particular industry, and it would be wiser to leave this and other questions to be dealt with in an amending Factory and Workshop Bill.

MR. FENWICK (Northumberland, Wansbeck) said that if his right hon. friend accepted the Amendment it would not pledge him absolutely to bring in an amending Bill within two years, because if it was found to be necessary to continue the operation of this Bill for a longer period it could be done by inserting it into the Expiring Laws Continuance Bill. He would like very much to see a consolidating Act because he disliked more than he could say legislation by reference.

AN HON. MEMBER said they did not want to see the Government go out of office, but they certainly wanted to see the Factory Acts consolidated. If this time limit was put in it would to some extent enable the right hon. Gentleman to see his way to do something when the period expired.

MR. BYLES (Salford, N.) hope dthe Amendment would not be pressed, because he did not think it would attain the object aimed at. He had been convinced against it by the short discussion which took place on the subject in the Grand Committee when the hon. Member for Leicester agreed to allow the Amendment to be withdrawn. Of course it was extremely desirable that there should be a consolidating Bill.

MR. C. DUNCAN said that if this Amendment were accepted it would conconstitute a promise on the part of the right hon. Gentleman to bring the matter before the House two years hence. Two years seemed to him to be a fair period to test the provisions of this Bill, and that being so, it was reasonable to ask the right hon. Gentleman to give a promise that the Government would reconsider the matter in two years, and in that way give some indication that it was intended to do something. The provisions of the Bill were not ideal, and the Labour Members were desirous that something should be put in to show that these un-ideal conditions were not to go on for ever. It seemed to him that some assurance should be given that after two years had expired something would be done to encourage those who were engaged in looking after the welfare of the women. Then there would be no need to divide.

MR. GLADSTONE said that if an amending Bill were brought forward, the point raised by the Amendment would be considered.

Amendment, by leave, withdrawn.

MR. SLOAN (Belfast, S.) moved to leave out Clause 5. There was no necessity for any particular inspection in an establishment where laundry work was carried on as in these institutions. This was an old grievance, and therefore in the absence of his hon. friend he begged to move.

MR. COURTHOPE formally seconded the Amendment.

Amendment proposed—

"In page 3, to leave out Clause 5."—(*Mr. Sloan.*)

Question proposed, "That Clause 5 stand part of the Bill."

*MR. GLADSTONE said he could not accept this Amendment, because the effect of it would be to leave the laundries of these institutions altogether free from inspection. He thought laundries should be on the same footing as other factories and workshops. Of course there must be exceptional treatment because such institutions were not organised as factories and workshops. Did the hon. Member wish to relieve all the convent laundries in Ireland from inspection? It would be better they should be under the same sanitary and other regulations as commercial undertakings carrying on similar trades. He hoped the Amendment would not be pressed.

MR. ARTHUR HENDERSON asked with regard to Subsection (*d*) whether he was right in concluding that where this application was not made these reformatory institutions would be subject to inspection under the Act.

MR. GLADSTONE: That is so.

Amendment, by leave, withdrawn.

*MR. NIELD (Middlesex, Ealing) said he desired to move the omission of Subsection 2 of this clause in order to substitute a new subsection. He had no desire to say anything which would impart heat into this debate or raise religious controversy. His interest was that of a large body of persons carrying on the business of laundries in the constituency he had the honour to represent. They had assured him that if this Bill passed in the form of the compromise arrived at upstairs between the right hon. Gentleman the Secretary of State and the hon. Gentlemen below the gangway, their interests would be prejudicially affected, as they would be unable to compete with the institution laundry. On the face of the Bill as amended in Grand Committee at the instance of the Home Secretary it would appear to be intended that under Subsection (4) any scheme which the Home Office would be asked to approve should not be less favourable than the provisions of the Bill. The House would remember the Opposition which was aroused to precisely similar words when introduced into the Workmen's Compensation Bill of 1897 by the trade unions who objected to contracting out. Hon. Members who now claimed to represent labour in the House should be equally slow to accept the words which were now proposed and which would cause differentiation between workers in outside laundries — made subject to the detailed provisions of the Bill—and those in institution laundries who might and probably would be less favourably dealt with under a scheme so far as hours and conditions of work were concerned, while outside workers would be handicapped in many respects and their work rendered less secure and probably less remunerative. Any scheme formulated by those institutions, although apparently harmless, might be disastrous from the point of view of other laundries. He felt it his duty to say that those on whose behalf he spoke had very grave misgivings regarding the attitude of the institutions in the matter of this compromise. They remembered the past history of the Nationalist Party in that House—with what vehemence they had always opposed inspection and how determined they had always declared themselves to be to any form of factory inspection and control of religious institutions. The opinion of those he represented—he did not give it as his own opinion—was that they were satisfied that the inspection provided for under the scheme would be illusory, but that, of course, would entirely depend on the Home Office, and whether they took care to do their duty. The Home Secretary had recognised in his speech the difficulties which laundries had to encounter with regard to a special season trade, for instance in seaside places, but he desired to point out to the right hon. Gentleman other difficulties, and substantial ones which trade laundries in towns had to contend with which entitled them to special consideration.

Message to attend the Lords Commissioners.

The House went.

And, having returned, Mr. SPEAKER reported the Royal Assent to a number of Bills (see page 758.)

FACTORY AND WORKSHOP BILL.

As amended by the Standing Committee, again considered.

*MR. NIELD, continuing his speech, said when his speech was interruped he was giving an illustration of how those outside commercial laundries might be affected under Subclause (*b*). By Clause 2 definite hours of work were fixed in the morning and evening not to exceed thirteen hours. That might operate harshly upon outside laundries, because the work was divided into so many different departments, and until one department had done its work the others could not commence. [Cries of "Agreed."] This provision had been added in Grand Committee as a compromise and had been accepted under conditions which had been frankly stated by the right hon. Gentleman, and he could understand the great disappointment which the Labour Party must have felt when they heard this announcement. In 1895 the present Chancellor of the Exchequer introduced a Bill which contained proposals to place all laundries on an equality, but he had to withdraw them on account of the pressure placed upon him by hon. Members from Ireland, without whose support the Government majority at that time was not sufficient. On behalf of a very deserving industry which had to work under very great pressure he asked the House seriously to consider whether this exemption would not operate most harshly. He hoped that all laundries would be placed upon the same footing.

MR. COURTHOPE, in seconding the Amendment, said he desired to see this provision applied to institution laundries just the same as to other laundries. It was highly desirable that the difference in the treatment of the two cases should be as small as possible. He could not help thinking that Subsection (2) contained far too great exceptions, and he was afraid that there was a danger of the clause becoming wholly illusory. The Amendment would put these institution laundries on practically the same footing as other laundries. It would prevent the contracting out which was possible under the clause and secure an absolute uniformity of system in all institution laundries.

Amendment proposed—

"In page 3, line 24, to leave out Subsection 2 of Clause 5, and insert the words, '(2) In laundries attached to or forming part of any institution to which this section applies the following modifications of the law relating to holidays and notices shall have effect:—(a) Subsection 3 of Section 35 of The Factory and Workshop Act, 1901, shall not apply, and the following provisions shall be substituted in lieu thereof:—A notice of every holiday or half-holiday must be forwarded during the first week in January to the inspector for the district, and unless the notice has been so sent cessation from work shall not be deemed to be a whole holiday or a half-holiday. Provided that any such notice may be changed by a subsequent notice sent in like manner not less than twenty-four hours before the holiday or half holiday to which it applies. (b) The managers of the institution shall, not later than the fifteenth day of January in each year, send to the Secretary of State a correct return in the prescribed form, specifying the names of the managers and the name of the person (if any) having charge of the institution under the managers, and such particulars as to the number, age, sex, and employment of the inmates and other persons employed in the work carried on in the institution as the Secretary of State may require, and shall, if any requirement of this paragraph is not complied with, be liable to a fine not exceeding five pounds."—(*Mr. Nield.*)

Question proposed, "That the words proposed to be left out at the end of line 5, in page 4 stand part of the Bill."

THE CHANCELLOR OF THE EXCHEQUER (Mr. ASQUITH, Fifeshire, E.) said that as an old Home Secretary he might be allowed to say a word or two on this point. It was quite true that in 1895 he attempted to bring these laundries within the scope of the Factory Acts and that he was obliged to withdraw his proposal. Looking back upon the past, he thought it would be admitted that this was a large step in advance. If the House agreed to these proposals they would cover at least nine-tenths of the ground. In dealing with a delicate matter of this kind it was always necessary to allow for susceptibilities which, though one might not completely share them, were legitimate and natural. The main object of this legislation would be attained by the clause which his right hon. friend had introduced, and he urged Members who desired to go a step further to be content with what they could get, and to be assured that a very long step was being taken in the direction of really effective supervision.

*SIR CHARLES DILKE said he would like the right hon. Gentleman to tell the House what meaning he attached to the words "not subject to inspection by . . . any Government Department." They were not clear, and different explanations had already been given of them. One matter which had not been alluded to by the mover of the Amendment deserved attention. In Committee words were inserted to provide that any scheme made under the provisions of the Bill should be laid before both Houses of Parliament for forty days before coming into operation. He pointed out that that control was now illusory in the latter part of a session. Therefore they could not always trust to having security under these words. He had no doubt that the Secretary of State would do in regard to this matter what he did now in regard to Orders which were subject to a similar provision. That was to say, he would, as far as possible, lay the Orders before the House at a period of the session when they would have the freedom of criticism they were supposed to enjoy. The Archbishop of Canterbury, speaking of institutional laundries of all classes, had said that a very large number of the institutions were prepared to go further than the provisions of the Bill, and that the provisions as passed in another place were the minimum with which they ought to be content. The words inserted in the Standing Committee had whittled down the provision in this case, and, although he felt that it was difficult to ask the House to reject the judgment of the Committee, he thought that those who had always fought this question on principle must point out that what the Archbishop of Canterbury regarded as the minimum had been whittled down.

Mr. AKERS-DOUGLAS (Kent, St. Augustine's) said he had some experience of this question during the time he was at the Home Office. He did not wish at present to go into the difficulties which his predecessor, the late Lord Ritchie, encountered in endeavouring to carry through this House a Bill dealing with laundries, including those connected with institutions. He thought it was very desirable that the measure should be passed. At present the inspection was only voluntary, but there was no doubt that the inspection which he was enabled to bring about two or three years ago had paved the way for further reform. What was done then had shown the institutions that inspection by factory inspectors was not so formidable and so much to be dreaded as they had thought. He advised his hon. friends to accept this Bill as far as it went, in the hope that it would lead to a stricter Bill in future.

Lord R. CECIL said that the Amendment of the Home Secretary was only accepted in Grand Committee because of the warning that its rejection would mean the loss of the Bill. The Home Secretary stated that he had made an agreement with certain hon. Members which compelled him to bring forward this Amendment. It was no exaggeration to say that that was the only argument the right hon. Gentleman used in favour of the Amendment. That being so, those who valued the Bill for other reasons could not imperil it by objecting to the Amendment. He did not think it could be said with justice that the Standing Committee were convinced that the Amendment was in itself desirable. If the Committee had been left free to deal with it as they liked, he had no doubt it would have been rejected. He could not support his hon. friend's Amendment, because it went further than anything suggested in the Standing Committee. He thought the undertaking that a scheme under the Bill would be laid before both Houses of Parliament with power to reject it was a reasonable compromise, taking into consideration the difficulties in dealing with this question. While he would vote against the Amendment, he thought Subsection (*b*) unsound in principle. and he was sorry that the Government had proposed it.

*Mr. GLADSTONE said the noble Lord had accurately represented what took place in the Standing Committee. Undoubtedly Subclause (2) was a concession to those who had made very strong representations. He did not think there was any necessity at present to repeat the arguments for putting it in the Bill. The House knew that the Bill could not pass into law if this subsection were omitted. He knew well the great interest the mover of the Amendment took in certain laundries in the division he represented.

*Mr. NIELD: Purely from the point of view of Parliamentary interest.

*MR. GLADSTONE said he did not question that the hon. Member had made a *bona fide* representation on behalf of his constituents. But a deputation from the Launderers' Association which waited on himself expressed themselves as satisfied with Clause 5. That clause really gave nine-tenths of what was wanted. At the present time these institutions were not inspected at all. They had an absolutely free hand in regard to hours and conditions of work, and when they submitted voluntarily to inspection they were not bound to accept the advice or the warning given by the inspectors. This clause would do an immense deal of good, and fulfil the object desired. First of all, it would at least bring in the inspector, though his powers were confined in certain cases to interrogation of an inmate, or any number of inmates, before the manager. That, however, would enable the inspector to judge whether any suspicions he might have formed were real, and he could then obtain an order for private interrogation from the Home Secretary. The Bill brought in provisions as to the fencing of machinery, ventilation, certificate of fitness, notice of accidents, and the hours of labour. He maintained that this clause gave what the Government wanted. There was a compromise, but he did not come "with bated breath, and whispering humbleness" to apologise for it. It was a very good clause, and would effect the object desired. The Government had been taunted with making an undue concession to the Catholics. He denied that, and insisted that they were perfectly right to make that concession under the circumstances. He desired to say in justice to the hon. Gentlemen below the gangway opposite, and to the noble Lord the Member for Chichester, that they had advanced a long way from the position which they had taken up in former years. They had made great concessions. The concession he had made would not impair the value of the clause. Any laundry in an institution which was now subject to inspection by the inspector of factories would continue to be as now, and would not come under the operation of this clause. Of course if the institution was a reformatory school it would come under Clause 6.

MR. JOHN REDMOND (Waterford) said he wished to thank the right hon. Gentleman for the concluding words of his speech, which he thought were extremely fair. He also desired to thank him for the way in which he had met those whom he represented in this matter. He might be permitted to add that if the right hon. Gentleman had made a concession it should be recognised that they had made far greater concessions from the point of view from which they looked at this question. On the last occasion on which the subject was debated the position they took up was an objection to the inspection at all of these institutions. Now they had departed from that position, and had admitted inspection in every one of the institutions. That was a very large concession on their part to make. Subsection (*d*), which the right hon. Gentleman had put into the Bill, and which was especially objectionable to the right hon. Gentleman opposite——

*SIR CHARLES DILKE said he did not especially object to that subsection. His objection applied to the whole Bill.

MR. JOHN REDMOND said he did not complain of the right hon. Gentleman, whose attitude on this matter had always been perfectly fair. Subsection (*d*) was a very small matter. They asked that in a comparatively small number of those institutions of a very particular character the inspection should take a slightly different form from that made in the other institutions, such as charitable and reformatory institutions. This subsection dealt with what were known as rescue homes and Magdelene asylums. Every fair-minded man would admit that there were circumstances connected with those rescue homes which made it a difficult thing to carry out inspection as in ordinary institutions. There was, for instance, the difficulty of maintaining discipline among the inmates, and all they asked for was that an exception should be made in their case, and that the inspection should take place in the presence of one of the superior managers. In a very few cases the inspector could not go in and interrogate the inmates separately unless the Home Office were convinced that the general provisions of the Act were being violated, in which event the Home Secretary would give a special order. In view of the attitude which they had taken up in the House on this subject for years, he submitted that the claim they made to-day was a most moderate one.

***Mr. NIELD** asked leave to withdraw his Amendment, and added that he hoped that whenever one of these schemes was formulated for the approval of the Secretary of State, the right hon. Gentleman would always have in his mind the probable injustice to outside commercial laundries and would in that spirit revise and carefully settle the proposals.

Amendment, by leave, withdrawn.

Amendments proposed—

"In page 4, lines 6 and 7, to leave out the words 'schemes made under the foregoing provisions of this Act,' and to insert the words 'any scheme when so approved.'"

"In page 4, line 9, to leave out the words 'or schemes have,' and to insert the word 'has.'"

"In page 4, line 10, to leave out the words 'all or any of the schemes,' and to insert the words 'the scheme.'"

"In page 4, line 11, to leave out the words 'or schemes.'"—(*Mr. Gladstone.*)

Amendments agreed to.

Motion made, and Question, "That the Bill be read a third time," put and agreed to.

Bill read the third time, and passed.

TRANSVAAL LOAN (GUARANTEE) BILL.

Motion made, and Question proposed, "That the Bill be now read a third time."

Mr. AUSTEN CHAMBERLAIN (Worcestershire, E.) said he only desired to say that if they on that side of the House did not challenge a division it was not to be supposed that the opinions which he and his hon. friends expressed on the Second Reading of the measure were either modified or withdrawn.

Mr. MACKARNESS (Berkshire, Newbury) said that in supporting the Bill he regarded it as a wise and just measure of assistance and reparation to the young Colony. The Government had only carried on the policy pursued by the Party opposite in guaranteeing this loan to the Transvaal. He wished to ask whether the Under-Secretary for the Colonies could give them any information as to the nature of the legislation which was to be proposed by the Transvaal Government with the view, apparently, of carrying on the Indentured Labour Ordinance. As far as he understood the reports telegraphed to this country, it was proposed to re-enact the Chinese Ordinance of 1904 for a period as long as might be required for the existing contracts. If that were so, it would be a piece of legislation obviously in violation of the pledges which had been given in that House over and over again by His Majesty's Government to the effect that no Ordinance of that kind would be permitted after the expiration of the present one, and in violation of the express terms of the Letters Patent granting a constitution to the Transvaal. That Constitution contemplated that after a year from the time of the first Transvaal Parliament, the Ordinance of 1904 must be abrogated, and that no Ordinance of the same kind should be brought forward, and that acceleration of the repatriation of the Chinese would take place. A great deal of faith had been placed by the supporters of His Majesty's Government in that House, and out of it, on those pledges and the terms of the Constitution. He was quite sure that Ministers had not the slightest intention of going back from their assurances so given; nor did he suggest for a moment that the Transvaal Government had any idea of such a thing as not abiding by the terms of the Constitution. The Transvaal Government had accepted the Constitution on the terms stated, and they were men of honour prepared to carry out their pledges. At the same time, the reports telegraphed to this country had caused considerable uneasiness, and, therefore, he asked the Under-Secretary for the Colonies, who so far, had given no information to the House on this subject, to give them what information he possessed.

MR. WALSH (Lancashire, Ince) said he was compelled to say a few words on this subject before the Bill passed its Third Reading. For very nearly a month past the leading papers in the country had given currency to the statement that the Transvaal Government was engaged in bringing forward legislation having for its object the continuance of the contracts whose period would not have expired on 31st March, which was the time limit set by the Letters Patent when the whole system of indentured labour in that Colony should cease and determine. The Leader of the Opposition in the Transvaal Legislative Assembly, Sir George Farrar, had told them that that Assembly had before them such proposals. If that were true it was in direct violation of the enactment. The words of the Letters Patent were very distinct. They asserted that within one year of the meeting of the Transvaal Legislature their rules and regulations in regard to the system of Chinese labour should cease and be determined. Not only were the words very precise but the promises made by the Prime Minister and the Chancellor of the Exchequer were in accordance with the Letters Patent. They had told them that the Government would not sanction any laws which laid down conditions of service in which there was anything of a servile nature. But it appeared that these contracts in regard to Chinese labour in the Transvaal were to continue. He hoped that the promises made by the Government would be carried out so that this horrible system of Chinese labour would not be continued. The British people were just as determined as ever about the system and they wished to get rid of it.

THE UNDER-SECRETARY OF STATE FOR THE COLONIES (Mr. CHURCHILL, Manchester, N.W.) said that he had not yet received any information as to this legislation, and until he did so it was obviously impossible to form an opinion upon it. A year's interval was allowed in which the Transvaal Government should have an opportunity of taking stock of its position and in order that they might put forward any other proposal they chose in regard to their labour system. The Letters Patent provided also that any legislation passed by the Transvaal Government would be reserved for the sanction of the Secretary of State, and nothing had been done which was inconsistent with anything which had been stated by the Secretary of State. What was the policy of the Transvaal Government on this subject of Chinese labour? They were a responsible Government, independent of us, and perfectly free to deal with this subject. Any proposal they made in regard to it would not be outside the scope of their authority. He understood their policy to be repatriation on the expiry of indentures. Some 15,000 Chinese would be gone before Christmas and steady shipments would take place during the two years following, until at the end of a period of three years from the time the last Chinaman was landed in the country the whole system would be absolutely wiped away. If that was their policy, he thought it a very reasonable policy. He would be very glad if the Government found it possible to accelerate that process of departure, but he never contemplated the wholesale repatriation of the Chinese in a batch. An interval would elapse between the period fixed by the Letters Patent for the termination of the Ordinance and the time when the last of the contracts would expire, during which a constantly-diminishing number of Chinese would remain in the country. What was proposed to be done with those Chinese? It could hardly be suggested that they should have all sorts of restriction removed, so that they might move about at liberty throughout the whole country; still less that all restrictions on their employment should be put an end to. It was obvious, then, that there must be some legislation governing them.

MR. WALSH asked the right hon. Gentleman to explain the words of the Letters Patent which laid it down that within twelve months of the meeting of the Transvaal Legislature the system of labour arising from the Chinese Ordinance should cease.

Mr. CHURCHILL said it was perfectly obvious that, the Ordinance falling to the ground, the system of labour under it ceased. What he was suggesting was that another Ordinance might be brought forward by the Transvaal Government, and that Ordinance must be judged when it arrived in relation to all the circumstances on its merits.

Mr. MACKARNESS asked whether the Government would regard a re-enactment of the existing Ordinance as a compliance with the terms of the Constitution.

Mr. CHURCHILL said he did not know what the Ordinance was to be, but he did not think it followed that the Ordinance that was being considered by the Transvaal Government would be in the same terms as that which now existed. On the contrary, he had good reason to believe that that point had been prominently borne in mind by those who were concerned. He did not know whether it would be possible for him to make any statement before Parliament rose, but if he had any further information, he would take an opportunity of giving it to the House. They were now going to separate and none of them were sorry, but after all they would meet again, and Parliament would be able then to hold the Ministers strictly accountable for their conduct. This matter had occupied the country greatly in the past, and had by no means passed out of the minds of the working classes who felt that their position had been undermined by Chinese labour. He only now desired to acknowledge the attitude taken up by the right hon. Member for East Worcestershire in not re-opening on this occasion the issues that were raised on Monday last. He commended the Third Reading of the Bill to the House as part of the policy of reconciliation and reconstruction which both Parties had been pursuing since the war came to a close; and because it was the only means by which the Transvaal Government could be insured in regard to vital matters affecting their labour system. The Government had no reason to believe that there was not adequate security for the guarantee; and the objects for which the money was to be lent were worthy, laudable, lucrative, and satisfactory.

Mr. HAROLD COX (Preston) thought the House ought to have a more definite assurance than the right hon. Gentleman had given them in regard to the new Ordinance. It was a question which involved the honour and credit of the Home Government. The mass of the working classes in this country objected to the existing Ordinance because under it a particular class of workmen were subjected to conditions which they regarded as conditions of slavery. Was that objection going to be found in this new Ordinance? He could not understand why the information had not been obtained, unless it was that the session would soon be at an end, and the House would have no opportunity of considering the matter until the Ordinance had become an accomplished fact.

Mr. CHURCHILL said that was an unfair suggestion that the Government were keeping back information from the House in order that they might proceed to do something which they would not dare to do if Parliament were sitting. He would endeavour to find out what were the general terms of the Ordinance. He had good reason to believe that many of the objectionable conditions had been removed.

Bill read the third time, and passed.

EMPLOYERS' LIABILITY (INSURANCE COMPANIES) BILL.

As amended (by the Standing Committee) considered.

Mr. CLAUDE HAY moved to leave out Paragraph (ii) of Clause 1. He did not make this Motion in any spirit of hostility to the mutual liability associations of employers, but because his acquaintance with these matters taught him that a danger existed, if this paragraph was left in the Bill, of discouraging such associations. Every prudent man who had a liability in connection with his employees would effect an insurance against it, and therefore it was the duty of the House in dealing with this Bill to see that every encouragement was given to these employers mutual liability insurance associations and at the same time to safeguard the people against bogus associations. As the matter stood at the present time there was nothing to prevent insurance touts or insurance-mongers going about among small employers in various districts and proposing to them that instead of paying the rates charged by insurance companies to cover these risks they should form mutual associations and thus save some of the premiums they would otherwise have to pay. The result of such proposals if acted upon would be that the premiums paid would be inadequate to cover the risks, the funds available would not be sufficient to meet the claims, the workman would have to have recourse to law to recover against the employer, the employer not having the resources to meet the claim would fail, and the workman would not get that compensation for his injuries which Parliament had said he should have. The consequence would be that the employer would be ruined and the workman might have to end his days in the workhouse because in his maimed condition he would be unable to gain his livelihood. He did not wish to throw any stone at employers, because he believed that on the whole, taken throughout the country, it was their desire to give adequate compensation to workmen injured while in their employ. The argument had been put forward that workmen desired that the associations of employers should be encouraged for the purpose of meeting their liabilities, and it was therefore deprecated that words should be introduced into this clause which would in any way hamper or discourage that spirit among employers. But by moving the omission of this paragraph he desired to obtain from the Board of Trade some assurance that they would prevent bogus mutual associations from being formed, not by employers, but by others who would make tools of the employers. He was anxious not only to do that, but to go a step further, and have such regulations as would ensure that these mutual associations had adequate funds, and that application should be made to the Board of Trade before such associations could be formed. This was not a matter, as some people thought, of small importance; indeed, in the Standing Committee they were very much exercised about it, and he, therefore, raised the question again that evening in the hope that, even at the eleventh hour, the hon. Gentleman in charge of the Bill would be able to give him a more definite and business-like assurance, so that the fears which found expression in his Amendment might be removed.

Amendment proposed—

"In page 2, line 1, to leave out Paragraph (ii)."—(*Mr. Claude Hay.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

THE PARLIAMENTARY SECRETARY TO THE BOARD OF TRADE (Mr. KEARLEY, Devonport) said that this Bill did not affect the mutual associations, and for the very best of reasons, that they had never been suspected in any way of being anything but thoroughly sound and solvent, and they had not exhibited any symptoms or desires which rendered necessary any interference. All the big trades of the country had their mutual associations—for example, the mining associations of Great Britain, which represented nine-tenths of the mine-owners of the Kingdom. Then again, they had the shipowners, a good many of them at all events, who had their own mutual associations. He had received through Members of that House representations from all parts of the country pointing out that these mutual associations should not be subject to the provisions of the Bill. He cordially agreed with that view. It was the object of this Bill that they should anticipate and be prepared against the upspringing of mushroom companies. But in connection with these existing mutual companies there had never been a single word of suspicion against the method in which they carried on their operations. On the contrary, the House knew perfectly well that they represented strong bodies of first class financial *status*, and to call upon them to make annual statements of their accounts to Parliament, and to subject them to actuarial overhauling every five years, would be to harass them and to prevent their carrying on the most useful work in which they were engaged. The danger which they had to apprehend in the future was the upspringing of mushroom companies and the combining of insurance offices into what would be neither more nor less than a trust which would clear off the ground any competition in the shape of mutual companies. That would be one of the worst turns which they could do to working men, who were indirectly affected. Therefore, when he remembered that he had received during the last six months representations from important Members of that House representing societies like those in Birmingham Sheffield, and other centres, and had received important deputations which represented chiefly the employers' federations, all pointing out that the obligations of this Bill, if imposed, would be a most serious and harassing interference with the work of these mutual associations, he could not for a moment consider this Amendment. As he had said, what they desired to do in future was to protect the country against the upspringing of mushroom companies; but it would be an offensive thing to suggest for a single moment that these mutual companies, which were in existence everywhere, which did not apply to the public for money, and which carried on their own work mutually, should, forsooth, simply because they were passing a Bill, be subject to its provisions. There was neither call nor justification for it. Although the hon. Gentleman had said that he had dealt with the Amendment in an airy manner in Committee, yet he had given him then, as he did now, full and complete reasons why they could not include mutual associations in the Bill. Had they attempted to do so they would not have been successful in carrying the Bill. But apart from that consideration altogether, he took it that it would be unjust to include them, and he certainly could not see his way to accept the Amendment.

MR. PARKES (Birmingham, Central) said he could not understand the motive of the hon. Gentleman in moving the omission of the Sub-section. Certainly no instance could be pointed to in which these mutual societies had not fulfilled their aims or had failed in the ignominious way which the hon. Member seemed to suggest. If the hon. Gentleman were able to point to a case of that kind he could understand the Amendment, but it was admitted there was no such case. The society mentioned by the Parliamentary Secretary was the Birmingham Mutual Assurance Society, which had been in existence for some years—almost as long as the Workmen's Compensation Act. During the whole of that time the Society had given entire satisfaction, not only to the Board of Trade but to the employers and also to the workmen of the district which the Society covered. He thought he was right in saying that they dealt with something like 200,000 working men in the district; they were going on most successfully, and their funds were in such a condition that there was perfect security to all concerned. If the parties interested, namely the employers and the men, were quite satisfied with these societies, he could not see what was the motive of the hon. Member in submitting the Amendment. One argument which the Parliamentary Secretary used was a great one. Why should a number of men, two or three or half-a-dozen, or twenty, or 100, be prevented from establishing a mutual society among themselves? It was well-known that the tendency at the present time was to form these mutual associations. When it was remembered that the compensation was becoming a very serious burden on employers, who had to expend hundreds and thousands a year in compensation, he thought that ought to be sufficient inducement to employers to see if they could not in some way minimise the responsibilities coming upon them. They could do so by mutual societies, which were perfectly safe and sound, and satisfied the Board of Trade. He could not see why they should be prevented from doing so. The existence of such societies for many years had proved that they could be carried on upon a perfectly sound and safe basis, satisfactory to everyone, and he could not see what objection there could be to their existence. Therefore, he did not understand why the hon. Member, who professed such good feeling towards employers, should for a moment take away the protection which would be afforded them by the Bill.

MR. J. JOHNSON (Gateshead) hoped the Amendment would not be pressed. He quite sympathised with the object which the mover of the Amendment had in view, viz., the prevention of the springing up of mushroom companies. But he would point out that the Amendment would strike at some very large mutual insurance institutions. The Durham and Northumberland Coal Owners' Association had a mutual insurance of this kind, conducted through a joint committee. They never had any litigation. The workmen on one side and the owners on the other met together, with a chairman, and managed to do all their business, and nobody ever heard anything about it. He could not for the life of him see what benefit would result from the Amendment. Besides trade institutions of this kind, there were certain religious denominations which insured amongst themselves. For instance, the minister insured his servants, the chapel keeper and the like. If in the case of such institutions they demanded that £20,000 should be put down, in order to secure their *bona fides*, that would simply be to strike a blow at their existence. No doubt the omission of the section would safeguard the public from bogus institutions which insured their own workmen as a blind, but carried on business amongst workmen elsewhere, who were not connected with the institution. He and his colleagues as workmen would have been the first to have jumped upon a clause of this kind if they had thought it would be to the detriment of the men they represented. He, therefore, trusted that the Amendment would be withdrawn and that the Government would stick to their clause.

MR. CLAUDE HAY said the Secretary to the Board of Trade had somewhat misrepresented his remarks. He had not stated that he wished this provision to apply to existing mutual associations nor did he say anything about their being brought within the scope of the Bill. What he said was that the danger was in regard to associations which might be created hereafter in consequence of the passing of the Workmen's Compensation Act. It was the small industries and the small people he wished to protect, and the remarks of the Secretary to the Board of Trade were no answer to his case. This question of insurance under the Workmen's Compensation Act was a very serious matter. He was quite content with what had passed, although he felt that the right hon. Gentleman might make some regulations which would frighten evil-doers. He asked leave to withdraw his Amendment.

Amendment, by leave, withdrawn.

Bill read the third time, and passed.

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IRISH LAND (No. 2) BILL.

As amended, considered.

THE ATTORNEY-GENERAL FOR IRELAND (Mr. CHERRY, Liverpool, Exchange), in moving an Amendment to Clause 1, explained that the object of the Bill was to enable mining rights reserved to the Land Commission under the Act of 1903 to be disposed of by the Estates Commissioners. He now wished to amend the clause by providing that before borings or experiments were made to ascertain the value of the mining rights the occupier should be given at least one month's notice by registered letter.

Amendment proposed—

"In page 1, line 13, after the word 'persons,' to insert the words 'after having given to the occupiers of the land in respect of which the right is to be exercised at least one month's notice by registered letter, addressed to him at his last-known place of abode, and subject to the provisions of Sub-section (4) of the said Section 13 as to compensation, enter upon the land and—' "—(*Mr. Cherry.*)

Question proposed. "That those words be there inserted."

Mr. T. M. HEALY (Louth, N.) said he should like to say a word or two by way of precaution. He agreed that the speculator should get fair and reasonable terms to encourage him to work the land, but he ought to make some provision by means of a deposit which would be answerable for damages. Every mining adventurer was a very hopeful man who believed that every plot of land he desired to purchase was glistening with jewels and diamonds. Mining was a very hazardous speculation, and while he agreed that short leases should be given they should be renewed if the venture turned out prosperous. Any man who entered upon a venture of this kind ought to be assured of considerable profit if successful, because he had to take the whole of the risk of failure. He would not have dreamt of making those observations in regard to legislation affecting England where mining was understood, but the case was totally different in Ireland where the Commissioners knew nothing about mines and minerals. While the adventurer ought to be able to get his lease cheaply, and ought to be encouraged in every way, he thought some element of caution was necessary. The Board of Works had been in the habit of granting mining rights for gold and silver in Wicklow. When such rights were granted in Australia or America they got only a very small plot of land, because it was known that the country was rich. He did not think, however, it was known that in county Wicklow the Government had given up miles of territory to adventurers who had never worked the land and had done nothing to develop it. The plot of land given should be comparatively small in extent, and there should be an undertaking on the part of the Land Commissioners that if the venture was successful they would not look too closely at the profits.

Mr. CHERRY said that these proposals referred more to the preliminary borings and other operation which were necessary before the lease was granted. As for damages, the Land Commissioners would be responsible. Every precaution would be taken to see that the leases were properly prepared, and that the mining rights were leased to the best advantage, with a view to developing the country as much as possible. The Government would provide that leases should be made subject to the appoval of the Judicial Commissioner and they would be bound to get all the expert evidence they could. The Estates Commissioners were anxious that the mining rights should be developed to the advantage of the country, and as soon as this Bill became law every effort would be made to see that the work was carried on in the best possible manner.

Question put, and agreed to.

Mr. CHERRY moved an Amendment to provide that the Commission should publish by advertisement in a newspaper their intention to make a lease or sale. He said it was desirable that people in the neighbourhood should have the advantage of knowing what was proposed to be done so that they might have an opportunity of making an offer.

Amendment proposed—

"In page 1, line 23, at the end, to add the words '(5) Not less than one month before any disposition is made under this section of any right the Commission shall publish, in a newspaper circulating in the locality where the right is to be exercised, a notice stating their intention to make a lease or sale, as the case may be, and inviting offers from any persons wishing to exercise the right.' "—(*Mr. Cherry.*)

Question proposed, "That those words be there inserted."

Question put, and agreed to.

Bill read the third time, and passed.

VACCINATION (SCOTLAND) BILL [Lords].

Order for the Second Reading read.

The SECRETARY for SCOTLAND (Mr. Sinclair, Forfarshire), in moving the Second Reading of this Bill, said it had come down from another place where it had been discussed and approved. Early in the year an assurance was given by the President of the Local Government Board that an Amendment in the law relating to vaccination in England would be made. During the discussion at that time he himself undertook on behalf of the Government to take steps for putting the conscientious objector in Scotland on the same footing as the conscientious objector in England. The result of such legislation in England had been that there had been an increase in vaccination. The action taken in England was founded on the Report of the Royal Commission which inquired into the subject, and there was every reason to believe that what had been done in England had been attended with consequences which were for the good of the community. In Scotland there was not the same indulgence shown to the conscientious objector. All that was proposed to be done by the Bill was to put the conscientious objector on exactly the same footing in both countries. The only alteration made in the other House was one suggested by Lord Balfour of Burleigh, and accepted by the Government, to provide for the registration of the statement made by the conscientious objector.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Sinclair.*)

Question put, and agreed to.

Bill committed to a Committee of the Whole House for To-morrow. —(*Mr. Sinclair.*)

PUBLIC HEALTH (SCOTLAND) AMENDMENT BILL.

Order for the Second Reading read.

MR. SINCLAIR, in moving the second reading of this Bill, said it was a very beneficial measure, and it also had come down from another place. There were three clauses in the Public Health (Scotland) Act which the Bill sought to amend. These clauses had been found by the local authorities to be so restricted in their character that they had defeated their own object which was to encourage the notification of infectious diseases. In recent years there had been an increased interest in the curative treatment of consumption, and it was thought by those competent to judge in the matter that an incidental benefit which would be obtained by the relaxation of the provisions of the clauses in the Public Health Act to which he referred in that the local authorities would be encouraged to take steps to bring consumption within the range of the Notification of Diseases Act. This Bill had been cordially welcomed. There had been no suggestion of opposition to it in any direction; it was greatly desired by the medical profession and the public health authorities in Scotland.

Motion made, and Question, "That the Bill be now read a second time," put, and agreed to.

Bill committed to a Committee of the Whole House for To-morrow. — (*Mr. Sinclair.*)

QUALIFICATION OF WOMEN (COUNTY AND TOWN COUNCILS) (SCOTLAND) BILL [LORDS].

As amended; read the third time, and passed.

QUALIFICATION OF WOMEN (COUNTY AND BOROUGH COUNCILS) BILL [LORDS].

As amended considered; read the third time, and passed.

CABS AND STAGE CARRIAGES (LONDON) BILL.

As amended (by the Standing Committee), considered.

MR. AKERS-DOUGLAS said he did not propose to move the Amendments of which he had given notice, empowering railway companies to make reasonable regulations for the admission and control of cabs within their stations, as they were fully discussed and decided in Grand Committee. But he desired to move the rejection of the clause because, in his opinion, the abolition of the privileged cab system at the railway stations in London would inflict great inconvenience on the travelling public, and especially on those who arrived at the great railway termini on Sundays, and by the night and continental trains. For a long time the railway companies had found it necessary to have a nucleus of cabs for the purpose of meeting the requirements of travellers. He said a "nucleus of cabs" because it was well-known that the railway companies had only a limited number of cabs, and that outside cabs were called in as the railway cabs were exhausted. For all practical purposes it had been found that the privileged cab system had enabled the companies to dispose satisfactorily of the passengers arriving at night and by continental trains, and for that reason he regretted that an attempt was being made to abolish a practice which in the past had been a very great convenience to the travelling public. If the provisions in the clause were carried out, railway companies would not have proper control over the cabs entering the station yards, and they would not be able to see that the cabs within the yards were fit, well horsed, and well driven by respectable and qualified drivers. The companies thought they ought to have the control of the station yards, which the House must remember were not public streets but the property of the companies. He urged this, not with any view to the benefit of the railway companies, but only on the ground of public convenience. As a director of the South Eastern Railway, he could say that that company had actually tried the open cab system from 1883 to 1887, but were compelled to return to the privilege system because they could not get their customers conveyed from the station to their homes comfortably. The General Manager of the company, in giving evidence before the House of Commons in 1889, said that with the open system they could never get cabs when they wanted them to wait for special trains, or for the continental trains arriving at three o'clock in the morning. The cabmen preferred to go to the theatre on the chance of picking up a fare there. After a trial of three years and seven months, the company had no alternative but to give up the open cab system and return to the privilege system. There was another point which he would urge. Under the privilege system the companies had a greater control over the passengers' luggage. It was urged in Committee that if the luggage was placed in a wrong cab it would be taken to Scotland Yard, but even if it were, it involved time and inconvenience in recovering it, but under the privilege system the luggage was brought back immediately to the station. He moved the omission of the clause, because of the inconvenience it would cause to the travelling public, and because the railway companies would, under it, have no control over the cabs.

Amendment proposed to the Bill—

"In page 1, line 23, to leave out Clause 2."—(*Mr. Akers-Douglas.*)

Question put, "That the words proposed to be left out, to the end of line 3, on page 2, stand part of the Bill."

SIR F. BANBURY said that in supporting the Motion of his right hon. friend, he would state that in order to save time he did not intend to move the Amendments standing in his name lower down on the Paper. In discussing what course they would pursue, he and his friends had come to the conclusion that in the event of the omission of the clause being negatived, they should take no further part in the proceedings, because they felt that the public would soon see that they would be the losers by the arrangement proposed. In Committee, believing that they owed a certain duty to the public to provide an official conveyance to take passengers on arrival at the railway termini in London to wherever they wanted to go, they had moved certain Amendments in what he considered was a proper spirit. But they found no support for them, and if the sense of the House was also discovered to be against them, they would not proceed further, but allow the future to show whether they or their opponents were wrong. The reasons which animated him in supporting the omission of the clause were very simple. In the first place, it was quite open to everyone to say that it would be wise to try this experiment. One man's opinion was just as good as another's, and no man could foretell the future. But there had been some experience. The South Eastern Railway Company had made the experiment of the open cab system fifteen years ago for four years, which he thought was ample time for an experiment, but the company were obliged to go back to the old state of things, although the experiment was made under the most favourable circumstances. The South Eastern Stations at Charing Cross and Cannon Street were in the very centre of London, where there was always a certain number of cabs to be got; but the drivers preferred passengers who were only going a short distance to fares who desired to go to Outer London. As to the sums received by the railway companies from the privileged cab owners, it was only sufficient to cover the expense which the railway companies were put to. In Committee an hon. Member had said that he did not understand why the companies should receive any charge at all for cabs going into the yard. He had made inquiry and found that the Great Northern Railway Company received £560 from the cab owners which was spent in the employment of an inspector and five constables, to regulate the cab traffic in the station.

MR. MARKHAM asked if it was not the fact that the Great Northern Railway Company would have to engage these constables to regulate the cab traffic, whether the cabs were privileged or not.

SIR F. BANBURY said the companies desired to give facilities to their passengers and to do it in their own way; and there was no obligation on their part to maintain order in the station. There were some 1,700 cabs in London provided by privileged proprietors on the understanding that they would be allowed to go into the railway stations, and if at the end of two or three years the right hon. Gentleman found his experiment was not a success, who was going to start privileged cabs again? because according to this Bill, the Home Secretary could come down and upset the whole system. It was easy to destroy a system, but it was not so easy to set one up. There was a clause of this Bill which it was difficult to understand, but the Under-Secretary informed them that for the future railway companies were not to supply any vehicle of their own, unless it was previously ordered.

*MR. HERBERT SAMUEL explained that what he had said was that the railway companies must either supply vehicles which had been ordered, or else licensed to ply for hire.

SIR F. BANBURY said there was not much in that interruption, because anyone as long as he complied with certain conditions was entitled to ply for hire. The railway omnibus had been a great convenience, but under the Amendment it could not be run any longer under the present conditions. Supposing an hon. Member ordered an omnibus, but he did not arrive and another hon. Member did arrive, and asked a porter if there was an omnibus. The porter would say "Yes, there is one," but under this Bill in future the railway companies would not be allowed to let that omnibus to the passenger who had arrived, or to use their own omnibus in the way they liked. He did not wish to allude to the unpleasant question of strikes, but he pointed out that in the event of one, it would not be possible for the railway companies to provide vehicles of their own, and the public would be absolutely at the mercy of the Cabmen's Union. That Union would be all-powerful in regard to ingress into and egress from London. Ingress and egress would be stopped unless people had private carriages. He was not sure that that was not at the bottom of the agitation for the abolition of the privileged cab system. The clause had been pitchforked into the Bill, the idea of which was to licence taximeters on cabs. He did not know that the cabmen would benefit by that, but that was their lookout. For these reasons he had great pleasure in supporting the Amendment.

MR. GLADSTONE said he quite appretiated the moderate and reasonable tone of the hon. Baronet who, with himself, recognised that this was not a Party question. The only question was what was fair to the cabman on the one hand and what was fair to the public on the other, and what they had to find was the solution which would be equitable to both.

The hon. Baronet had dealt with several questions. Amongst other things he said that they proposed to take away the stations. There was nothing in this Bill to justify that contention. All they were proposing was that the Home Secretary should have power to limit the companies' charges for the cabs which went into the railway stations and that cabs should also be subjected to ordinary regulations if they plied for hire in the stations. Under the proposed system, it would be necessary for the cabmen to organise a supply of cabs. It was urged that the experiment had been tried twenty years ago at Charing Cross and that it had failed. At that time there was no organisation among the cabmen. There was no Cab-drivers' Union. They could not organise for one station; they might organise for all stations. He had listened attentively to his right hon. friend opposite, and he was quite sure that he could appreciate the services which he had always been willing to render to the Home Office, but perhaps in his speech there was rather an echo of the directors' board than of the office which he had so worthily filled. Personally, he was absolutely free from any influence which might be brought so far as the railway companies were concerned, and he acted impartially from the public point of view, and from the point of view of what was fair to the cabmen. He thought that his right hon. friend had put the case fairly, but the Government wished that this experiment, and it was an experiment, should be tried. It was not a new thing they were seeking to do. It was a matter that had been vexing the authorities for fifteen or twenty years, but the circumstances had been such that one Government after another had refrained from touching it. Now what did they find? Not only did the Committee in 1895 report in favour of the abolition of the privileged cab system, but the Committee which sat last year was absolutely and entirely in favour of that proposal. And this Bill received the strong support not only of the great majority of his friends on that side of the House, but of the hon. Members for South-east Durham, Bristol and Marylebone. Hon. and right hon. Gentlemen opposite had not made out a case against the Bill. Power was retained under the Bill, in the event of the system breaking down in any particular case, to exempt the station where the breakdown occurred from its operation. That power would certainly only be used where necessary. But he recognised that there was an element of uncertainty in the matter, and they were bound in any event to look after the interests of the public. The cabmen served the public, and deserved to be considered. He asserted from what he had learnt, that the cabmen in London would recognise the responsibility upon them. Even if they thought they would not get a job they would turn out at any hour of the night, and they would do loyally all they could to supply the public with cabs whenever they were wanted. He had a great belief in the capacity of the London cabmen to find a job when a job was going. The London cabman had a sort of instinct for finding a job, and he did not think that he would fail in this particular instance. He had only to remind the House that they had got the open system in Palace Yard. He had been in that House twenty-seven years, and he had frequently used cabs at night. Save on rainy nights or on the occasions of exceptionally heavy divisions, he had never seen any paucity of cabs, even in the small hours of the morning. Hon. Members who had sat up there until eight o'clock in the morning no doubt had found that there were plenty of cabs waiting to take them home. He hoped that the House would pass the Bill practically as it stood.

Mr. **PIKE PEASE** (Darlington) said the cabmen of London would be very grateful to the right hon. Gentleman for bringing in this Bill. He thought the two Committees which sat in 1895 and in 1906 had not considered the circumstances which would prevail after this Bill was brought in in regard to the taximeter question—not that the taximeter question would affect the subject of the privileged cab at railway stations very much. Everybody knew the reason why there was a large number of cabs in Palace Yard, namely, that Members like the right hon. Gentleman paid the cabman more than his fare. When the taximeter came into operation they could not possibly tell what amount extra the poor cabman would get. In certain stations no doubt this system would be a success, but in other stations it would have the opposite effect, but as yet it was an unknown quantity. He was extremely grateful to the right hon. Gentleman for bringing in the Bill in the interests of the public, but he believed that the public would be amply satisfied as far as the stations were concerned with the present system. Therefore, as far as that part of the Bill was concerned it was really brought in in the interests of the cabmen. He sincerely hoped that the system would be a success, and he was very glad that the right hon. Gentleman had seen his way to undertake that if any instance of a breakdown occurred he would make an exception of the station concerned.

MR. RAWLINSON appealed to the right hon. Gentleman to reconsider the clause. There was no question that the present system at stations had worked well. This question of the privileged cabs began with the strike of ten or twelve years ago. Previous to that time the privileged cab system was confined to the very unworkable plan of confining the system to one station for particular cabs, and one station only. That was the reason why the experience of 1887 was so valuable. In the strike of ten or twelve years ago those who drove privileged cabs incurred the wrath of cab drivers, because it was those privileged cabs alone which gave any kind of service to the public during the struggle. That was the genesis of this trouble. The system of privileged cabs which had been established since that time had worked well. The right hon. Gentleman had stated that if this experiment did not work well in the case of some particular station he would issue an order declaring that the Bill should not apply to that station. He thought that showed the weakness of the right hon. Gentleman's argument. It was impossible to make the system a success if they allowed a privilege to one station and not to another. The privilege system was working very well both in the interests of the public and, as he believed, of the cabmen, and once it was broken down they could not go back to it. He regarded the experiment which was being made by the Home Secretary as a very dangerous one.

MR. MARKHAM said that under Subsection (1) the Home Secretary had power to allow the railway companies to charge 1d. or 2d., or whatever sum was deemed reasonable, for allowing cabs to go into their stations. He protested against that meanness on the part of the companies who were bound to regulate the traffic whether the cabs were privileged or not. He hoped the Home Secretary would not continue to allow these companies to charge cabmen for coming into their stations. If the companies had to provide their own cab service they would not get it at anything like the present cost. The charge made for cabs entering a railway station was a wholly unjustifiable one, and at a later stage of this Bill he would move an Amendment providing that no such charge should be allowed.

MR. GIBBS (Bristol, W.) who spoke as a Member of the Committee which considered this matter, said he would support the Government. He thought the open system should be given a fair trial. The Committee came to the conclusion that there was a grievance, on the part of both the drivers and the public, and that a change was necessary. He thought the right hon. Gentleman had met the railway companies in a fair way, because by Subsection (5) it was provided that nothing should affect the power of the companies to exercise control of their railway stations as to the number of cabs to be admitted.

Question put.

The House divided :—Ayes, 176 ; Noes 24. (Division List No. 456.)

AYES.

Abraham, William (Rhondda)
Acland, Francis Dyke
Alden, Percy
Baker, Joseph A. (Finsbury, E.)
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barnard, E. B.
Barnes, G. N.
Barry, Redmond J. (Tyrone, N.)
Beauchamp, E.
Beck, A. Cecil
Bell, Richard
Benn, Sir J. Williams (Devonport
Berridge, T. H. D.
Bertram, Julius
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Brodie, H. C.
Brunner, J. F. L. (Lancs., Leigh)
Byles, William Pollard
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton, Rt. Hn. Richard Knight
Cawley, Sir Frederick
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Clough, William
Clynes, J. R.
Collins, Stephen (Lambeth)
Collins, Sir William J. (S. Pancras, W.)
Corbett, C. H. (Sussex, E. Grinst'd
Cowan, W. H.
Cox, Harold
Cremer, Sir William Randal
Crooks, William
Dewar, Arthur (Edinburgh, S.)
Dobson, Thomas W.
Duncan, C. (Barrow-in-Furness
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Esslemont, George Birnie
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Flavin, Michael Joseph
Fletcher, J. S.
Fuller, John Michael F.
Gibb, James (Harrow)
Gibbs, G. A. (Bristol, West)
Gill, A. H.
Gladstone, Rt. Hn. Herbert John
Glover, Thomas
Gooch, George Peabody
Grant, Corrie
Gulland, John W.
Gurdon, Rt Hn. Sir W. Brampton
Haldane, Rt. Hon. Richard B.
Harmsworth, Cecil B. (Wor'cr)
Harvey, W. E. (Derbyshire, N.E.
Haworth, Arthur A.
Hazel, Dr. A. E.
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Henry, Charles S.
Higham, John Sharp
Hobart, Sir Robert
Hobhouse, Charles E. H.
Hogan, Michael
Holland, Sir William Henry
Holt, Richard Durning
Horniman, Emslie John
Idris, T. H. W.
Illingworth, Percy H.
Jardine, Sir J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jones, William (Carnarvonshire
Jowett, F. W.
Kelley, George D.
Kilbride, Denis
King, Alfred John (Knutsford)
Laidlaw, Robert
Lambert, George
Lamont, Norman
Lehmann, R. C.
Lever, A. Levy (Essex, Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lough, Thomas
Lyell, Charles Henry
Lynch, H. B.
Macdonald, J. M. (Falkirk B'ghs)
Maclean, Donald
Macnamara, Dr. Thomas J.
MacVeagh, Jeremiah (Down, S.)
MacVeigh, Charles (Donegal, E.)
M'Callum, John M.
M'Crae, George
M'Laren, H. D. (Stafford, W.)
Maddison, Frederick
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Marnham, F. J.
Menzies, Walter
Micklem, Nathaniel
Molteno, Percy Alport
Morgan, G. Hay (Cronwall)
Morrell, Philip
Morton, Alpheus Cleophas
Muldoon, John
Myer, Horatio
Nicholls, George
Nicholson, Charles N. (Doncast'r
Nolan, Joseph
Norton, Capt. Cecil William
Nuttall, Harry
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Kelly, James (Roscommon, N.
Parker, James (Halifax)
Pearce, Robert (Staffs. Leek)
Pearson, Sir W. D. (Colchester)
Price, C. E. (Edinb'gh, Central)
Richards, Thomas (W. Monm'th
Richards, T. F. (Wolverh'mpt'n
Rickett, J. Compton
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Roberts, John H. (Denbighs.)
Robertson, Sir G. Scott (Bradf'rd

Robertson, J. M. (Tyneside)
Robinson, S.
Roe, Sir Thomas
Rowlands, J.
Runciman, Walter
Samuel,HerbertL.(Cleveland)
Samuel, S. M. (Whitechapel)
Scott,A.H.(Ashton under Lyne
Sears, J. E.
Seely, Colonel
Shaw, Rt. Hon. T. (Hawick,B.)
Sherwell, Arthur James
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smyth, Thomas F.(Leitrim, S.)
Stanley, Albert (Staffs., N.W.)
Steadman, W. C.
Stewart, Halley (Greenock)
Strachey, Sir Edward
Strauss, E. A. (Abingdon)
Summerbell, T.
Taylor, John W. (Durham)
Tennant,SirEdward(Salisbury)
Thompson,J.W.H.(Somerset,E.
Toulmin, George
Ure, Alexander
Vivian, Henry
Walsh, Stephen
Walters, John Tudor
Waring, Walter
Wedgwood, Josiah C.
Weir, James Galloway
White, J, D. (Dumbarronshire)
Whitley, John Henry (Halifax)
Wiles, Thomas
Wills, Arthur Walters
Wilson,HenryJ.(York, W.R.)
Wilson, P. W. (St.Pancras, S.)
Wilson, W. T. (Westhoughton)
Winfrey, R.
Wood, T. M'Kinnon

TELLERS FOR TNE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Acland-Hood,RtHn.SirAlex.F.
Arkwright, John Stanhope
Balcarres, Lord
Banner, John S. Harmood-
Baring,Capt.Hn.G(Winchester)
Cavendish,Rt.Hon.VictorC.W.
Cecil,Lord John P. Joicey-
Coates,E.Feetham (Lewisham)
Cochrane, Hon. Thos. H. A. E.
Douglas, Rt. Hon. A. Akers-
Fell, Arthur
Forster, Henry William
Hamilton, Marquess of
Harris, Frederick Leverton
Harrison-Broadley, H. B.
Hills, J. W.
Hunt, Rowland
Lowe, Sir Francis William
Magnus, Sir Philip
Nicholson, Wm. G.(Petersfield)
Nield, Herbert
Roberts,S.(Sheffield,Ecclesall)
Salter, Arthur Clavell
Valentia, Viscount

TELLERS FOR THE NOES—Sir Frederick Banbury and Mr. Rawlinson.

SIR F. BANBURY moved to omit from the operation of Clause 3, carriages drawn by four horses. At present there were four-horse coaches running out of London, and he thought they should be exempted. The Amendment did not touch the object of the Bill, and by accepting it they would preserve what he thought hon. Members were anxious to preserve, namely, four-horse coaches on the road.

SIR PHILIP MAGNUS (London University) seconded the Amendment.

Amendment proposed—

"In page 2, line 27, after the word 'carriages' to insert the words 'not drawn by four horses.'"—(*Sir F. Banbury.*)

Question proposed, "That those words be there inserted."

MR. GLADSTONE said he was sure all hon. Members sympathised with the proposal of the hon. Baronet. He would be glad to accept the Amendment if it were necessary, but four-horse coaches would not come under the clause. The clause was necessary because it had been found that inadequate and inferior motor 'buses were plying for hire outside London and running into London. Under the law as it stood these motor 'buses were not subject to the law which applied to motor 'buses running in London. Unless this clause was passed, London would be worse protected than at present in regard to the worst type of motor 'buses. It was not possible to accept the Amendment. As the hon. Baronet knew, additional horses were sometimes put in a coach to drive to Kew, and if the Amendment were adopted, they would be excluded from the operation of the clause.

SIR F. BANBURY said that within the police area they had already to put on numbers. His objection applied, for instance, to those who ran outside the police area, say, to Kew. He was quite aware that the powers were only permissive, but once a regulation of this kind was passed there would be exemptions.

*Mr. GLADSTONE said his hon. friend was wrong. These coaches would not have to be exempted. They would be excluded unless the clause was applied to them. And there was not the slightest intention of applying the clause to them. With all respect to the hon. Baronet, he preferred the law which he was advised was the law rather than the law which the hon. Baronet thought was actually the law.

Amendment negatived.

Mr. JOHN O'CONNOR (Kildare, N.) said he wished to ask Mr. Speaker's ruling on an Amendment which appeared on the paper in his name. The Orders of the Day were run through very rapidly, and at the time when this Bill was reached he was having his dinner. He hoped that was not an unreasonable thing, having regard to the labours they had been undergoing during the last two or three days. He hastened as well as he possibly could, but when he returned to the House he found that his Amendment, which was the first, had been reached and passed over. He had arranged with a Ministerialist to move the clause standing in his name, but it was not allowed. He wanted to know whether he could move that clause even now, though the Amendments to the Bill had been gone through. He submitted that it did not matter when a new clause should be moved.

*Mr. SPEAKER: The clause must perish in order that the hon. Member may dine.

Motion made, and Question proposed, "That the Bill be now read a third time."

Question put, and agreed to.

Sir F. BANBURY said he did not propose to divide, but he hoped that the assurances which the right hon. Gentleman had given would be made effective; and that he would notify them to the Scotland Yard authorities.

Bill read the third time, and passed.

RULE COMMITTEE BILL [Lords].

Order for Committee read, and discharged.

Bill withdrawn.

NAVIGATION WORKS (IRELAND) BILL.

Order for Second Reading read, and discharged.

Bill withdrawn.

EDUCATION (SCOTLAND) BILL.

Order for Second Reading read, and discharged.

Bill withdrawn.

COAL MINES (EIGHT HOURS) (No. 2) BILL.

Order for Second Reading read, and discharged.

Bill withdrawn.

Whereupon Mr. Speaker, pursuant to the order of the House of 26th July last, adjourned the House without Question put.

Adjourned at three minutes before Eleven o'clock.

HOUSE OF LORDS.

Thursday, 22nd August, 1907.

VISCOUNT GORT.

Ordered, That the Report of the Lord Chancellor of the United Kingdom, made to the House of Lords on Wednesday last, that the right of the Viscount Gort to vote at the elections of Representative Peers for Ireland has been established to his satisfaction, be sent to the Clerk of the Crown in Ireland, together with a certificate stating that such Report has been made, and that the House has ordered it to be sent to the said Clerk of the Crown in Ireland.

An Asterisk (*) at the commencement of a Speech indicates revision by the Member.

PRIVATE BILL BUSINESS.

Aberdeen Harbour Order Confirmation Bill [H.L.]; Lanarkshire County Council Order Confirmation Bill [H.L.]. Returned from the Commons agreed to.

Metropolitan Water Board (Charges, &c.) Bill; Local Government Provisional Orders (No. 14) Bill; Local Government Provisional Order (No. 15) Bill. Returned from the Commons with the Amendment agreed to.

Local Government Provisional Orders (No. 1) Bill; Local Government Provisional Orders (No. 2) Bill; Local Government Provisional Orders (No. 4 Bill; Local Government Provisional Orders (No. 5) Bill; Local Government Provisional Orders (No. 7) Bill; Local Government Provisional Orders (No. 8) Bill; Local Government Provisional Orders (No. 9) Bill; Local Government Provisional Orders (No. 10) Bill; Local Government Provisional Orders (No. 12) Bill. Returned from the Commons with the Amendments agreed to.

PETITIONS.

LAND VALUES (SCOTLAND) BILL.

Petitions against: of County Council of Orkney; and Orkney Landowners' Association; read, and ordered to lie on the Table.

RETURNS, REPORTS, ETC.

POLLING DISTRICTS (COUNTY OF BERKS).

Order made by the council of the county of Berks, altering certain polling districts in the Northern or Abingdon Parliamentary Division.

LOCAL REGISTRATION OF TITLE (IRELAND) ACT, 1891.

Rule, dated 31st July, 1907, made by the Land Judge with the approval of the Lord Chancellor of Ireland amending the Rules of 24th August, 1896.

FORESHORES.

Treasury Minute, dated 19th August, 1907, directing the application of moneys received by the Board of Trade in the year ended 31st March, 1907, in respect of the rights and interests of the Crown in the Foreshores of the United Kingdom.

Laid before the House (pursuant to Act), and ordered to lie on the Table.

STATISTICS (COLONIES).

Statistical Tables relating to British Colonies, Possessions, and Protectorates. Part XXX., 1905.

Statistical Abstract for the several British Colonies, Possessions, and Protectorates in each year from 1892 to 1906. Forty-fourth Number.

COLONIAL IMPORT DUTIES, 1907.

Return relating to the rates of import duties levied upon the principal and other articles imported into the British Colonies, Possessions, and Protectorates.

RAILWAY COMPANIES.

Returns of the capital, traffic, receipts, and working expenditure of the railway companies of the United Kingdom for the year 1906; with a general report thereon and summary tables for a series of years.

CONSULAR REPORTS.

Index to reports of His Majesty's diplomatic and consular representatives abroad on trade and subjects of general interest (with appendix), 1906.

Presented (by Command), and ordered to lie on the Table.

DOCKYARD PORTS REGULATION ACT, 1865.

Order in Council, dated 12th August, 1907, making new regulations for the Dockyard Port of Berehaven.

MERCHANT SHIPPING ACT, 1894.

Order in Council, dated 12th August, 1907, fixing the dues to be paid to the King's Lynn Conservancy Board in respect of ships passing a floating light to be maintained by that board in the roads of the port, and revoking the Order in Council of 23rd October, 1877.

NAVAL AND MARINE PAY AND PENSIONS ACT, 1865.

Three Orders in Council, dated 12th August, 1907, approving memorials of the Lords Commissioners of the Admiralty, praying sanction to—

Certain regulations whereby officers on the retired list serving on the staff of the inspection and experimental departments, or in posts in the Admiralty connected with those departments may be entitled to increase of retired pay.

A revision of titles, rates of pay, &c., of petty seamen and officers of His Majesty's Navy, and the establishment of a separate class of wireless telegraph operators.

The payment of an allowance to officers and men of His Majesty's Navy and Royal Marines, who act as shorthand writers at naval courts-martial.

EXTRADITION ACTS, 1870 TO 1906.

Orders in Council, dated 12th August, 1907—

For giving effect to a treaty concluded 25th August, 1906, between His Majesty and the President of the Republic of Panama for the extradition of criminals.

For carrying into effect an agreement concluded 2nd July, 1907, between the British and Swedish Governments for the mutual extradition of fugitive criminals.

QUALIFICATION OF WOMEN (COUNTY AND BOROUGH COUNCILS) BILL [H.L.].

Returned from the Commons agreed to, with an Amendment. The said Amendment to be printed, and to be considered on Saturday next. (No. 196.)

COMPANIES BILL [H.L.].

Returned from the Commons agreed to, with Amendments. The said Amendments to be printed. (No. 197.)

FACTORY AND WORKSHOP BILL [H.L.].

Returned from the Commons agreed to, with Amendments. The said Amendments to be printed, and to be considered to-morrow. (No. 198.)

QUALIFICATION OF WOMEN (COUNTY AND TOWN COUNCILS) (SCOTLAND) BILL [H.L.].

Returned from the Commons agreed to, with Amendments. The said Amendments to be printed. (No. 199.)

HOME WORK; PUBLICATIONS.

Message to the Commons for copies of the Reports, etc., of the Select Committees.

BUSINESS OF THE HOUSE.

THE LORD PRIVY SEAL (The Marquess of RIPON): My Lords, in order to avoid any mistake as to the business for to-morrow, I have to state that what we propose is that after the Motion standing in the name of the Chairman of Committees has been disposed of, the first order will be the Committee stage of the Marriage with a Deceased Wife's Sister Bill, and the second the Evicted Tenants (Ireland) Bill. The other business will be taken in the order in which it stands on the Paper.

SMALL HOLDINGS AND ALLOTMENTS BILL.

House again in Committee (according to Order).

Clause 6:—

LORD MONK BRETTON moved to insert a proviso that when a county council desired to acquire land outside its administrative area which was also desired by a county council administering that area, the county council administering the area should have the prior claim. It was, he said, quite possible that more than one county council might want to acquire the same land, and he hoped the Government would consider his

Amendment a reasonable one. It was a mere matter of justice that the home county should have the prior claim. The only argument that could be urged against the Amendment was that the Board of Agriculture would safeguard the contingency of the home county's being ousted. He thought such a contention proved the harmlessness of the Amendment, which had this additional advantage, that it would inspire in county councils the feeling that they were not under the heel of a militant bureaucracy. He understood that the point in this Amendment would be covered by another Amendment to be moved later, but which was not yet on the Paper. In that case if that Amendment were carried his Amendment would disappear; but he would like to see his Amendment inserted in case the one to be subsequently moved was not successful.

Amendment moved—

"In page 4, line 40, after the word 'land,' to insert the words 'Provided that when a county council desires to acquire land outside its administrative area which is also desired by a county council administering that area, the county council administering the area shall have the prior claim.'"—(*Lord Monk Bretton.*)

THE PRESIDENT OF THE BOARD OF AGRICULTURE AND FISHERIES (Earl CARRINGTON): I am afraid I cannot accept this proviso. It is one of those Amendments that would cause further complication. I do not honestly think that county councils are very likely to compete with each other for the same piece of land for small holdings, and if they did, it is more than probable that they would come to some friendly arrangement on the subject. Although I am very sanguine about the success of the Bill, such competition as the noble Lord anticipates is beyond my most sanguine hopes.

*LORD REDESDALE could not conceive that any harm would ensue from the adoption of the Amendment. On the other hand, it was conceivable that in the part of the country in which he lived the councils of four counties might compete with one another for the same piece of land. It would lead to the greatest possible difficulty, and, indeed, to disastrous consequences, if county councils were to come to loggerheads over the same land. He hoped the noble Earl in charge of the Bill would reconsider his decision not to accept the Amendment.

THE UNDER-SECRETARY OF STATE FOR FOREIGN AFFAIRS (Lord FITZMAURICE) said that where, owing to the peculiar nature of the county boundaries, the county authorities anticipated any practical and real difficulty in this matter, they had power under the Local Government Acts to rearrange their county boundaries. Speaking as one of the Boundary Commissioners of 1887, he said it was pointed out at that time, in regard to the very districts where Lord Redesdale's property was situated and where the counties were more mixed than in almost any other part of England, that inconvenience might probably arise, and it was a matter of regret that they did not adopt the suggestions of the Commission and put their houses in order. Therefore, if any difficulty arose, they would have brought the trouble on their own heads; but he did not think that in the matter of allotments any difficulty was likely to arise.

LORD HYLTON supported the Amendment, and said the councils of counties near London should be protected from the competition of the London County Council in the matter of the acquisition of land.

*VISCOUNT GALWAY suggested that Lord Monk Bretton might withdraw his Amendment and allow Lord Jersey to move his. Lord Jersey's Amendment gave a county council power to prevent what he might call marauders coming into a county and acquiring land against the wish of the county council administering the area.

LORD MONK BRETTON understood that the Amendment which Lord Jersey intended moving was not the Amendment on the Paper. Would the noble Earl read to the Committee the Amendment as he proposed to move it?

THE CHAIRMAN OF COMMITTEES (The Earl of ONSLOW) said the noble Earl had just handed him the text of the Amendment as he intended moving it. It ran—

> "No land shall be acquired by a county council without their county except with the consent of the council of the county in which the land is situated."

LORD MONK BRETTON withdrew his proposal in favour of this Amendment.

Amendment, by leave, withdrawn.

*THE EARL OF JERSEY then moved his Amendment in the terms read to the Committee by the Lord Chairman. He said the object of the Amendment was to enable a county council to know when another county council intended applying for land within the area of the first council. As the Bill now stood, there was no security that the county council administering the area in which it was desired to acquire land would be informed of such desire. It seemed to him a matter of ordinary courtesy that one county council should inform the other of their intention. He believed the small holdings part of the Bill would be a very great success, and he was sure that where there were big markets and towns the small holdings provisions would be taken up freely. According to the Bill, the Birmingham authority might acquire land in Kent and settle small holders thereon; but when once the small holders had been settled, the authority of the county in which the small holdings were situated would have to bear all expenses for education, policing, and such like. He happened to belong to the county of Middlesex, and he felt certain they were so well placed in that county for small holdings that the London County Council would desire to make use of the Bill; and it would be very inconvenient for the County Council of Middlesex not to be made acquainted with the proposals of the London County Council. Without some such provision in the Bill a natural claim of his own county might be "jumped" by the London County Council.

Amendment moved—

> "In page 4, line 40, after the word 'land,' to insert the following new subsection:—'(3) No land shall be acquired by a county council without their county except with the consent of the council of the county in which the land is situated.'"—(*The Earl of Jersey.*)

The Earl of Onslow.

EARL CARRINGTON: I am very grateful to the noble Earl for the kind words he used about the Bill, and I wish with all my heart that I could meet him in regard to his Amendment. But I am afraid that is quite impossible. The noble Earl said his desire was that the council of the county in which the land is situated should be made acquainted with the intention of the outside authority to acquire it; but the Amendment goes further than that. The noble Earl proposes that no land shall be acquired by an outside county council without the consent—not the knowledge, but the consent—of the council of the county in which the land is situated.

*THE EARL OF JERSEY said he was willing that, if the consent of the county council in whose area the land was situated was refused, there should be an appeal to the Board of Agriculture.

EARL CARRINGTON: Supposing Birmingham wanted to buy land in Worcestershire or in Warwickshire, it could not do so without the consent of those county councils. That is what the Amendment really means. And I would put it to the noble Earl that these small holdings and allotments are not exactly plague spots. I would cite my own experience on the housing committee of the London County Council to show that when it became known that the London County Council were buying land the price went up. Such bodies often have to buy, I will not say in an underhand, but in a quiet way. The noble Earl on the cross benches, Lord Rosebery, referred the other day to the acquisition of land near the Durdans for a lunatic asylum. These wretched lunatics had to be put somewhere. They could not be left in London; and I remember very well that at the time it was felt that the noble Earl had Mentmore and Dalmeny, and could not very well complain. I instance Lord Rosebery's grievance as showing what might be anticipated if knowledge of a county council's intention was known in advance. A gentleman who saw me the other day was full of complaint because an enormous reservoir had been put up before his house and had spoilt the amenities of the place. But somebody must suffer for the public good, and knowing the difficulties in the way I am afraid I cannot accept the principle contained in the Amendment.

*THE MARQUESS OF LANSDOWNE: The noble Earl who conducts this Bill with great good humour sometimes, I am sorry to say, lets fall observations which are not very relevant nor very well calculated to bring about an amicable adjustment of these matters. He suggested a moment ago that my noble friend Lord Jersey had argued as if these allotments were plague spots. Now nothing that fell from my noble friend suggested that idea in the least. My noble friend's proposal seems to me to be a very reasonable one. What he is anxious to bring about is that when one county council seeks to obtain land for allotments within the limits of another county, the second county council should have notice given to it. It is true that as the Amendment now stands it would make the consent of the second council necessary, but my noble friend does not wish to push that point so far as to allow of unreasonable exclusion. What would satisfy my noble friend, I understand, would be that the first county council should give notice to the second county council and that then there should be some appeal provided, perhaps to the Board over which my noble friend presides, with the object of settling which authority should prevail. That seems to me a most reasonable suggestion, and I must say I think there would be some hardship in allowing one county council, so to speak, to poach on the territory of another. I hope His Majesty's Government will consider the suggestion between now and the next stage of the Bill.

*THE EARL OF JERSEY asked permission to amend his Amendment so that it would read—

> "No land shall be acquired by a county council without their county except with the consent of the council of the county in which the land is situate. A county council may appeal against the refusal to give such consent to the Board of Agriculture, which shall have power to decide the question and the terms of arrangement."

LORD HENEAGE pointed out that if the Amendment were agreed to in those terms it would have the effect of preventing any landlord coming to a private agreement for the sale of land without the consent of the council of the county in which that land was situated. He did not think that was the noble Earl's intention.

LORD REDESDALE supported the Amendment, and said that unless some such Amendment were passed the greatest possible hardship and injustice might result.

*THE MARQUESS OF LANSDOWNE: I hesitate to suggest actual words, but I cannot help thinking that the noble Earl must see that there really is something in Lord Jersey's suggestion, and if he would undertake to consider the point and endeavour to bring up words on Report which would at any rate provide ample notice when one county is going to invade the territory of another, I daresay my noble friend would be satisfied.

VISCOUNT HILL asked who was going to be responsible for the carrying out of the scheme—the county council who bought the land or the council of the county in which the land was situated?

EARL CARRINGTON: The provision with regard to procedure as to schemes is that—

> "A copy of any draft scheme under this Act shall, if prepared by a county council, be sent to the Board, and if prepared by the Commissioners be sent to the Board and to any county council concerned."

Clearly the county council would be concerned if land was proposed to be taken in its county. I very much hope that the clause will be allowed to stand as it is.

On Question, Amendment, as amended, agreed to.

Clause 6, as amended, agreed to.

Clause 7 and 8 agreed to.

Clause 9:—

LORD KENYON moved to add words providing that the associations to whom power was given to let small holdings should be constituted "under rules approved by the Board." He did this in no spirit of hostility to these associations; they might be most valuable, but they would be entrusted with large powers, and care should be taken to ensure the proper carrying out of their obligations.

Amendment moved—

"In page 5, line 19, after the word 'constituted' to insert the words 'under rules approved by the Board.' "—(*Lord Kenyon.*)

EARL CARRINGTON: I understand that there is no wish to attack these associations. I think the noble Earl will see that this is, after all, only an additional complication, and is in no way necessary. The consent of the Board will be required, and, of course, the rules of the association will be asked for, and if they are not satisfactory the consent of the Board will not be given. I hope in these circumstances the noble Earl will withdraw his Amendment.

LORD KENYON said that if it was the intention that the rules of the association would be examined by the Board, there could be no earthly reason why his Amendment should not be accepted.

On Question, Amendment agreed to.

Clause 9, as amended, agreed to.

Clause 10 agreed to.

Clause 11:—

THE DUKE OF NORTHUMBERLAND moved to add the words "as agricultural holdings" to the power given to a county council to relax the condition in the Act of 1892 that only one dwelling-house should be erected on a holding, where such relaxation would be a benefit to that or an adjacent holding. He regarded these words as necessary in order to prevent what was intended to be an agricultural estate from becoming possibly an urban one. It was not desired to turn these small holdings into building lands.

Amendment moved—

"In page 5, line 32, after the word 'benefit' to insert the words 'as agricultural holdings.' "—(*The Duke of Northumberland.*)

Lord Kenyon.

EARL CARRINGTON: It is, of course, absolutely essential that none of these agricultural holdings should be turned into building land. We all agree in that, but I hardly think the Amendment is necessary. As the noble Duke proposes to amend it, the clause would read—

"A county council may, if they think fit, relax the condition imposed by Section 9 of the Small Holdings Act, 1892, that not more than one dwelling-house shall be erected on a holding, if in their opinion such relaxation will be for the benefit as agricultural holdings of that or adjacent small holdings provided by the council."

I do not think the insertion of those words makes the clause read any better, and, as I have said, there is no intention to turn these estates into building lands. Every small holding must be cultivated; that is in the Small Holdings Act, 1892, Clause 9, Subsection 1, Paragraph (6). Therefore, it is an agricultural holding, and I do not think the words in the Amendment are necessary.

THE DUKE OF NORTHUMBERLAND failed to see why an Amendment should not be inserted which made the intention of the Government plain.

THE EARL OF CAMPERDOWN suggested that the words in the Amendment would come in better at the end of the clause.

THE DUKE OF NORTHUMBERLAND said that it was a mere matter of drafting; but as it had previously been suggested to him that the words would come in better at the end he would move them in that form.

On Question, Amendment, as amended, agreed to.

Clause 11, as amended, agreed to.

Clause 12 agreed to.

Clause 13:—

VISCOUNT ST. ALDWYN moved to omit Clause 13. He hoped the President of the Board of Agriculture would not object to this Amendment as bringing about a crisis in the fortunes of the Bill; but it was no good legislating twice on the same subject in the same measure. Clause 13 proposed to repeal words in Section 11 of the Small Holdings Act, 1892, and if the noble Earl would turn to the Schedule he would find the same words there repealed.

Amendment moved—

"To leave out Clause 13."—(*Viscount St. Aldwyn.*)

EARL CARRINGTON: The clause has been put in by those who have had the drafting of the Bill, and therefore I presume it is necessary. But I am entirely in the hands of the House.

On Question, Amendment agreed to.

Clause 14 agreed to.

Clause 15:—

EARL CARRINGTON: The object of this Amendment is to make it clear that the borough and urban district councils are acting as agents for the county council.

Amendment moved—

"In page 7, line 3, after the word 'district' to insert the words 'as agents for the county council.'"—(*Earl Carrington.*)

On Question, Amendment agreed to.

THE EARL OF CAMPERDOWN moved to amend the last line in the clause by substituting the word "such" for the word "the." This was, he explained, a drafting Amendment, the object of which was to show that it was the council last mentioned which was referred to.

EARL CARRINGTON: If it is merely a drafting Amendment I prefer the words in the Bill.

THE EARL OF CAMPERDOWN said the noble Earl seemed to prefer what was undecided and indefinite.

EARL CARRINGTON: Which "the" is it that the noble Earl wants altered?

A NOBLE LORD suggested that Lord Camperdown meant to alter the first "the" and not the second.

THE EARL OF CAMPERDOWN said that, in the circumstances, he would withdraw the Amendment.

Amendment, by leave, withdrawn.

Clause 15, as amended, agreed to.

Clauses 16 to 19 agreed to.

Clause 20:—

Drafting Amendment agreed to.

Clause 20, as amended, agreed to.

Clause 21:—

VISCOUNT ST. ALDWYN moved to omit Subsection 1. He said that under it the parish council might provide allotments up to five acres in extent, though no duty was cast upon them to provide allotments of more than one acre. Small holdings which were of any extent from one acre to fifty acres were to be provided by the county council. He thought it would be better for the proper working of the Act, and the avoidance of clashing between the two authorities to limit the parish council to allotments of one acre.

Amendment moved—

"In page 10, lines 1 to 15, to leave out Subsection (1)."—(*Viscount St. Aldwyn.*)

EARL CARRINGTON: I do not quite understand the object of the Amendment. I am quite with the noble Viscount in everything he said as to the desirability of preventing the clashing of the different authorities, but I am afraid the Amendment as it stands would not meet the noble Viscount's wishes, because it would restrict the area of allotments to one acre. I am afraid that the Amendment would throw us back to where we were in 1887.

VISCOUNT ST. ALDWYN said this was not intended.

EARL CARRINGTON: I am advised that that would be the effect.

Viscount St. ALDWYN: The county councils would provide the larger allotments; that is the only difference.

Earl CARRINGTON: I would suggest that the noble Viscount should permit me to talk the matter over with him with a view to coming to an agreement on the point by the Report Stage.

Viscount St. ALDWYN said he was perfectly willing not to press the matter now if he understood that they were agreed as to his object.

Amendment, by leave, withdrawn.

***Viscount GALWAY** moved to omit Subsection 2, which proposed that the powers of improving and adapting land for allotments should include the power to erect buildings and make adaptations of existing buildings by parish councils. In his view, the erection of buildings would transform the allotment into a small holding, and the rates might be increased enormously if power were given to erect a house for every allotment of five acres, and that this power ought not to be given to parish councils.

Amendment moved—

"In page 10, lines 16 to 20, to leave out Subsection (2)."—(*Viscount Galway.*)

Earl CARRINGTON: I hope the noble Viscount will not press the Amendment. If this subsection is left out it would prevent houses being built on allotments of five acres. I cannot think that the noble Lord wishes that.

***The Marquess of LANSDOWNE**: The point raised by my noble friend in this Amendment seems to me to be closely connected with that which was raised by the noble Viscount, Lord St. Aldwyn, a few moments ago, and which I understand is to be the subject of discussion between him and the noble Earl in charge of the Bill. There is a certain amount of confusion in the Bill between what, after all, are two different things—namely, allotments and small holdings. As I understand the Bill, you may have a small holding of any size from one acre to fifty, and you may have allotments up to five acres. Under the subsection we are discussing, power is given to erect buildings on allotments; so that it comes to this, that you may have a holding of four acres with a building provided by the parish council which you will call an allotment, and you may have a holding say of two acres which you may call a small holding because it is under the direction of a different authority. I think that does point to undesirable confusion between what are, after all, two wholly different things.

Earl CARRINGTON: The Amendment, if it were carried, would create great difficulty in the working of the Bill, and I therefore hope it will not be pressed.

***Viscount GALWAY** thought that even greater difficulties would be created unless it were inserted, and unless he received an assurance that the question would be considered he would press the Amendment.

Earl CARRINGTON: I have made my protest, and, of course, I can do no more.

On Question, Amendment agreed to.

Clause 21, as amended, agreed to.

Clauses 22 and 23 agreed to.

Clause 24:—

Viscount HILL moved an Amendment to confine the inquiries of the county council as to the extent of the demand for allotments to the existing demand, no "prospective" demand being taken into consideration. He explained that the Amendment was consequential on a similar Amendment in regard to small holdings.

Amendment moved—

"In page 11, line 4, to leave out the words 'either actual or prospective.'"—(*Viscount Hill.*)

On Question, Amendment agreed to.

Consequential Amendment agreed to.

VISCOUNT ST. ALDWYN moved an Amendment to include among the reasons for the transfer by the Board of Agriculture of the powers of the county council under the Allotments Acts to the Commissioners, a refusal by the county council "to comply with a representation made by the council of the urban district or parish for the compulsory acquisition of land for allotments." Under the Bill as it stood an unfair and considerable burden might be imposed on parishes which might already have sufficient allotments for their own purposes. Everybody admitted that parish councils had done their duty in providing allotments, although it was said that county councils had not. The subsection as he proposed to amend it would read—

> "(2) If the Board are, in relation to any urban district (other than a borough) or rural parish, satisfied, after holding a local inquiry at which the county council and the council of the district or parish, and such other persons as the person holding the inquiry may, in his discretion, think fit to allow, shall be permitted to appear and be heard, that the county council have failed to fulfil their obligations under the Allotments Act, 1890, as amended by this section, and have refused to comply with a representation made by the council of the urban district or parish for the compulsory acquisition of land for allotments, the Board may by order transfer to the Commissioners all or any of the powers of the county council under the Allotments Acts as amended by this Act in relation to the district or parish, and those Acts shall apply as if references to the Commissioners were substituted for references to the county council and with such other adaptations as may be made by the order."

Amendment moved—

> "In page 11, line 20, after the word 'section' to insert the words 'and have refused to comply with a representation made by the council of the urban district or parish for the compulsory acquisition of land for allotments.'"—(*Viscount St. Aldwyn.*)

EARL CARRINGTON: Subsection (2) provides that the Board of Agriculture, after a local inquiry, may order the Commissioners to step in and provide allotments in any parish where the parish council have declined to do so and the county council have failed to put pressure on them. The Amendment proposes that the Board of Agriculture should only have this power in the case where parish councils have applied for compulsory powers and been refused. The desire of the Government is to have the power to take proceedings in cases where the parish council has declined to act at all and not only in cases where parish councils have applied to the county council for compulsory powers and been refused.

VISCOUNT ST. ALDWYN said that that was not the point. In the circumstances he had described he objected very much to a loss being thrown on parish councils. He could not raise the point except by moving this Amendment, which he thought would call the attention of the House of Commons to the matter.

LORD FITZMAURICE said that if this Amendment was the only way of bringing the matter to the cognizance of the House of Commons, that might be a legitimate argument, but he did not think the form of the Amendment was appropriate.

VISCOUNT ST. ALDWYN said that he only had time to consider this point last night. The statement that a parish would not be recouped in such a case, although a county council would be, came upon him as a great surprise. The intention of the Government was grossly unfair to parish councils. He thought this was the best way of raising it, and he trusted the Committee would insert the words now. He would reconsider them before Report, and, if he could suggest better words, he would do so. His object in this matter was solely to enable the House of Commons to reconsider the point, which unfortunately, owing to the rules of the House, could not be considered on Report there. He would not insist on the Amendment after the House of Commons had had an opportunity of considering the financial question.

On Question, Amendment agreed to.

Clause 24, as amended, agreed to.

Clause 25 agreed to.

Clause 26:—

LORD BALFOUR OF BURLEIGH moved the insertion of a proviso to the effect that every order (for the compulsory hiring of land) should provide that within six weeks after the receipt of any notice to treat in respect of the hiring of any land, the owner might by notice in writing require the council to accept a conveyance of the fee simple of the land in consideration of a perpetual rent-charge to be fixed, in default of agreement, by arbitration, but in fixing such rent-charge the arbitrator should not make any allowance in respect of any use to which the land might otherwise be put, being a use in respect of which the owner of land compulsorily hired was entitled under this Bill to resume possession, but after such conveyance the land should be held by the council free from any such right of resumption by the owner under this Bill. This principle of compulsory hiring was a new departure which he viewed with considerable doubt and mistrust. He was certain that if it passed without objection it might be taken as a precedent in some future Bill relating to Scottish agriculture. The proposal in this Bill was not so bad as that in the dropped Scottish Bill. Here, at least, the landlord would have a substantial tenant, and if the land were thrown back upon his hands in an exhausted condition he would be certain of a remedy. But at the same time the bargain in this Bill was extremely one-sided. The local authority could hire the land compulsorily for fourteen years and could renew compulsorily if they wished, and if they tired of it they could throw the land back on the landlord. The owner, on the other hand, had no power of resumption of his property unless for certain specified reasons. He could not resume the land if he were not satisfied with the treatment of it. If the right of discriminating between good and bad management was to be taken away in that manner, he would rather have done with the whole thing and would prefer to have no responsibility for a tenant whose operations he could not in any way control. The provision in the Act was practically a sale for a perpetual rent-charge.

Amendment moved—

"In page 12, line 10, after the word 'schedule' to insert the words 'provided that every such order shall provide that within six weeks after the receipt of any notice to treat in respect of the hiring of any land, the owner may by notice in writing require the council to accept a conveyance of the fee simple of the land in consideration of a perpetual rent-charge to be fixed, in default of agreement, by arbitration, but in fixing such rentcharge the arbitrator shall not make any allowance in respect of any use to which the land might otherwise be put, being a use in respect of which the owner of land compulsorily hired is entitled under this Act to resume possession, but after such conveyance the land shall be held by the council free from any such right of resumption by the owner under this Act.'"—(*Lord Balfour of Burleigh.*)

THE LORD CHANCELLOR (Lord LOREBURN): I am afraid that this Amendment, if carried, would strike a deadly blow at the principle upon which the Bill is framed—namely, the principle of compulsory hiring, and I think that in the other House of Parliament this principle of compulsory hiring was frankly accepted and treated as being, as undoubtedly it is, the basis and foundation of the Bill. The proposal of the noble Lord is that when notice to treat in respect of hiring is served the owner of the land shall have the power to say, "No, there shall be no compulsory hiring; there shall be purchase." The whole purpose of the Bill is not to stereotype agricultural rents on the basis of existing prices, but that if there should be a renewal at the end of the first period, then the rent may be refixed having regard to all the conditions. It may happen, for example, that the landlord would be entitled to more rent owing to the land having become within the neighbourhood of a growing city, which fact would improve its agricultural value. In these circumstances why should not the landlord get the benefit? On the other hand, the circumstances may have diminished the value of the land, and in that case why should the landlord receive more than its real agricultural value? The effect of this Amendment would be to stereotype the rent-charge for all time. The noble Lord's Amendment would provide that the owner might, by notice, require the council to accept a conveyance of the fee simple of the land in consideration of a perpetual rent-charge to be fixed, in default of agreement, by arbitration. That goes against the whole policy of the Bill and prevents a reconsideration of the rent. Under the Amendment the rent once fixed would be fixed for all time. There is another anomaly. The fee simple passes from the owner to the authority. In that case, how is it reconcilable that there should be, on the part of the owner, power of resumption?

VISCOUNT ST. ALDWYN said the power of resumption was not reserved.

THE LORD CHANCELLOR: I think it is, because the Amendment proposes that in fixing the rent-charge the arbitrator shall not make any allowance in respect of any use to which the land might otherwise be put, being a use in respect of which the owner of land compulsorily hired was entitled under the Bill to resume possession. I gather that, by excluding from consideration the use to which the land might otherwise be put, the noble Lord means that the power of resumption should remain.

LORD BALFOUR OF BURLEIGH said that that was not his intention. If the owner had forced a sale his intention was that he should not have the right of resumption. If the Amendment was not properly drawn to secure that he would have the words put right.

THE LORD CHANCELLOR: I, of course, accept that, and my observation on that point falls to the ground. But the other observation remains, that the scheme is that you should have compulsory hiring. That is the basis and intention of the whole Bill, and if you allow any owner to say there shall be no compulsory hiring, but that you must buy the land, although it be by means of a perpetual rent-charge, it strikes at the very root of the principle on which the Bill is based.

VISCOUNT ST. ALDWYN said he liked the principle of compulsory hiring as little as his noble friend Lord Balfour, but what he felt about this matter was that they were to some extent bound by the precedent of the Local Government Act. That Act certainly adopted the principle of compulsory hiring for allotments. He was not aware that it had led to any harm, and, though that was not a conclusive argument for extending it to small holdings, yet the acceptance by Parliament of that principle was a very strong point in favour of the proposal of the Government. But he thought they might endeavour to get some kind of option at some time or other to compel the county council to say if they wished to go on with the hiring. Otherwise the county council might carry on the hiring for an indefinite time and deprive the owner entirely of the control of his property. If the owner could obtain, almost at any time, a perpetual rent-charge it would be a much more saleable article.

LORD BALFOUR OF BURLEIGH said he was not at all sure that when they had had the principle of compulsory hiring admitted with a substantial county council as tenant, they would not have the same principle applied in the case of the unsubstantial individual tenant in the Scottish proposals another year. He had very considerable dread of what he called the germ theory of legislation. If he gave way now he hoped it would not be said another year that he had willingly accepted the principle of the individual tenant being foisted on him.

THE LORD CHANCELLOR: I will promise the noble Lord that I will not use that argument against him after what he has said, but I will reserve to myself when the question comes up the right to argue that the principle underlying this Bill and that underlying the Scottish Bill are substantially identical.

LORD COURTNEY OF PENWITH argued that any attempt to stereotype rents might lead to great injustice, owing to the fluctuations in letting values. He pointed out that rentals rose considerably between 1850 and 1871, whereas between 1871 and 1892 they fell. If, therefore, rents were stereotyped, injustice would be done to the landlord in the one case, and to the county council in the other.

VISCOUNT ST. ALDWYN remarked that the outcome of the noble Lord's observations was that it would be very much better that the county council should buy the land instead of hiring it, and there was no time when county councils could buy on cheaper terms than now.

Lord BALFOUR of BURLEIGH said he was not in the slightest degree hopeful of ever getting an increase of rent out of a county council. If there were a rise in value at the end of fourteen years, the county council would put in a plea that it was their improvements that had caused it. He would very much rather take the rent at the lowest time and have it settled than take the risk of fluctuating.

Amendment, by leave, withdrawn.

Lord ROBERTSON moved an Amendment, the effect of which was to give an appeal against any action of the Board of Agriculture not in accordance with the provisions of the Bill. He said the clause provided that an Order when confirmed by the Board shall—

> "Become final and have effect as if enacted in this Act, and the confirmation by the Board shall be conclusive evidence that the requirements of this Act have been complied with, and that the Order has been duly made and is within the powers of this Act."

He proposed to omit the words quoted and to substitute for them the words, "empower the council to acquire the land in accordance with the provisions of this Act." The provision as it stood in the Bill precluded anyone from challenging an injustice which might be done by an Order of the Board. In Clause 30 restrictions were imposed on the acquisition of land. But in the event of the council and the Board authorising the taking of any of the prohibited land mentioned in the clause, that was sanctioned by the provision that confirmation by the Board should be conclusive evidence that the requirements of the Bill had been complied with, and that the Order had been duly made and was within the powers of the Bill; so that it would really be in the power of this administrative Board to do anything it liked under cover of an Act of Parliament. The Government proposed that they should accept the infallibility of the Board, that there should be no opportunity of going to a Court of law, and that everything should depend on the assertion of the Board. With them everything was well with the best of all possible Boards.

Amendment moved—

> "In page 12, line 16, to leave out from the word 'shall' to the end of Subsection (3), and to insert the words 'empower the council to acquire the land in accordance with the provisions of this Act.'"—(*Lord Robertson.*)

The LORD CHANCELLOR: I am glad to be able, at least in one thing, to agree with the statement that has been made by my noble and learned friend. It is quite true that if no steps are taken to dispute the legality of the proceedings until the final Order is confirmed no objection can be afterwards taken. After all, the operations under this Bill will not be on a very large scale and there is every security that a proper price will be paid for the land taken.

Viscount St. ALDWYN: There is no desire to have an appeal on price.

The LORD CHANCELLOR: I quite understand that; but it seems to me that in a matter of this kind you have to choose between accepting the final order as final or encumbering the Bill with possibilities of litigation that would seriously hamper its operation and make its cost uncertain. The machinery as it exists at present is sufficiently cumbrous. It is essential that the machinery should be cheap, although not cheap, of course, to the extent of injustice. In the first place there is the Provisional Order, then there is the inquiry, and then confirmation by the Board of Agriculture. The opportunities for inquiry before the final Order should, in our opinion, obviate any such injustice as that referred to.

Lord CLIFFORD of CHUDLEIGH: At what point of the transaction does the appeal come in?

The LORD CHANCELLOR: I will tell the noble Lord how I understand it. If any land is scheduled which ought not, according to the provisions of this Bill, to be scheduled, it would, in my view, be possible to go to the Court for a prohibition or an injunction;

but, even if that were not so, it would not affect my opinion that it is better to run even a little risk of land being in good faith taken which ought not to be taken under this Bill than to have the machinery of the Bill overburdened.

VISCOUNT ST. ALDWYN said he had heard with great regret the reply of the noble and learned Lord. The Bill contemplated a very great change, and it had been extolled by its author and others as a measure really likely to change the face of the rural portions of the country. If anything of that sort happened, or anything near it, it was certain that the purchases or hirings must be very numerous and must relate to transactions infinitely more important than anything that was possible under the Allotments Act. That was one reason for requiring an appeal in this Bill which was not given in the Allotments Act. Further, why were English landlords to be treated worse than Irish landlords? In the Evicted Tenants Bill, which forbade parks or gardens to be taken for the purposes of the Bill, the Government had conceded an appeal from the Land Commissioners to a Judge on that very point. There would be few appeals, but the knowledge that there was an appeal would keep the tribunal entrusted with the administration of the Act straight. The appeal asked for was confined to the point whether the instructions of the Act had been adhered to. He hoped the Amendment would be pressed.

THE EARL OF CAMPERDOWN pointed to the procedure proposed under the Bill. Subsection (3) of Clause 27 provided that an Order under this section should be of no force unless and until it was confirmed by the Board, and the Board might, subject to the provisions of the First Schedule, confirm the Order either without modification or subject to such modifications as they thought fit. If their Lordships would refer to the First Schedule they would see that Subsection (1) provided that the Order should be in the prescribed form; Subsection (2) that it should be published by the council in the prescribed manner; Subsection (3) that if an objection had been presented and had not been withdrawn the Board should forthwith cause a public inquiry to be held in the locality in which the land was proposed to be acquired; and Subsection (4) that before confirming the order the Board should consider the report of the inuiry and all objections made thereat. They might then confirm the Order. Throughout all this there was nothing which provided for the question being raised in the Courts even before the final Order.

THE LORD CHANCELLOR: It is not necessary to put in any Act of Parliament authority to the Courts to prohibit anybody from doing something which is outside the powers created by the Act. When you have an Act of Parliament saying you may take, for example, land in Yorkshire, it is unnecessary to put in a clause that the Courts may prevent land being taken in Lancashire. I know my noble and learned friend Lord Atkinson, in a similar case, differed from me, but I hold the opinion that until the confirmation by the Board it would be competent for a Court to prevent any land being taken which the terms of the Bill prohibit from being taken. But I do not entirely rely upon that. I say that the provision in the Bill is necessary in order to prevent the machinery being encumbered by litigation. I would point out that in the Allotments Act of 1894, the Municipal Corporations Act of 1882, the London Government Act of 1899, and in the Light Railway Act of 1897, there are expressions similar to that which the noble and learned Lord wishes to expunge. The fact is that Parliament does not assume that when you tell these responsible bodies that they are not to take this kind of land or that kind of land they are going to violate that instruction. It is better to trust the Government Department and the local authorities, with the knowledge that the owner will be properly paid for any land taken.

THE EARL OF CAMPERDOWN asked if the Lord Chancellor held that during the time of the incubation of the Order it would be within the option of a person interested to appeal to the Courts if anything illegal were done.

THE LORD CHANCELLOR : I believe that to be so, and that there would be power to grant an injunction.

On Question, Amendment agreed to.

THE DUKE OF RICHMOND AND GORDON moved to omit Subsection (4) and to insert in its place a new subsection. He said that the Amendment was necessary to clear up a point which was at present by no means clear. Under the subsection at present in the Bill some doubt might arise as to the position in which an owner might find himself in the event of certain rights of way being created under the operations of the Bill. For instance, where a number of small holdings were created it might be necessary to give to those in the backblocks access across other small holdings; but there should be the proviso that no new easement created by or in pursuance of an Order of the Board over land hired by a Council for this purpose should continue beyond the termination of such hiring. The landlord, when he resumed the land should resume it free from any such encumbrances.

Amendment moved—

"In page 12, lines 20 and 22, to leave out Subsection (4) and to insert the words:—(4) All land acquired under an Order under this section shall be held by the council subject to all existing easements, and every such Order shall provide for the creation of any new easements necessary to secure the continued use and enjoyment by the owners and occupiers of adjoining lands of all conveniences theretofore used and enjoyed over the land to be acquired, provided that notwithstanding anything contained in this subsection no new easement created by or in pursuance of such order over land hired by a council shall continue beyond the termination of such hiring.' "—(*The Duke of Richmond and Gordon.*)

THE LORD CHANCELLOR : I think three points arise upon the Amendment of the noble Duke. The first is that all land acquired under an Order shall be held by the council subject to all existing easements. An acquisition would be subject to all existing easements as far as they affect other persons than the owner of the land, but it might be desirable that those easements should be bought up. For that reason I hope the noble Duke will not press that part of the Amendment. The second point in the Amendment is a more serious one; it is that every such order shall provide for the creation of any new easements necessary to secure the continued use and enjoyment by the owners and occupiers of adjoining lands of all conveniences theretofore used and enjoyed over the land to be acquired. I am prepared, I will not say exactly in those words, but in spirit, to accept that part of the Amendment. It would, for example, be unreasonable to take part of an estate which would prevent the access of an owner to a road from the other part and not give him a new easement. If the noble Duke will consent that this matter shall be dealt with on Report we might be able to suggest words which would carry out his object. Then as to the proviso that notwithstanding anything contained in this subsection no new easement created by or in pursuance of such Order over land hired by a council shall continue beyond the termination of such hiring. I think that is desirable as a rule, but the Amendment could not be accepted in the form proposed. Perhaps the noble Duke will consent to postpone these matters until Report stage.

THE DUKE OF RICHMOND AND GORDON said he was quite satisfied with the statement of the noble and learned Lord, and would withdraw his Amendment for the present.

LORD BALFOUR OF BURLEIGH asked the Lord Chancellor whether the provision for the creation of any new easement over the land authorised to be acquired would terminate at the end of the tenure or not.

THE LORD CHANCELLOR : It would depend upon the Order. The Order might be for a limited period or it might be permanent; but it could not be permanent except with the consent of the owner of the land.

Amendment, by leave, withdrawn.

*VISCOUNT GALWAY moved to omit Subsection 5, which provided that in determining compensation no allowance should be made on account of compulsion. He desired some explanation of the subsection, as it had always been usual for this point to be taken into consideration in transactions of this kind.

Amendment moved—

"In page 12, lines 23 to 25, to leave out Subsection (5)."—(*Viscount Galway.*)

EARL CARRINGTON: The reason why this subsection was put in was to show that we cannot recognise the claim for moral or intellectual damage, and we have plenty of precedents for that. Precedents for the subsection will be found in the Parish Councils Act, a Liberal measure; in the Metropolitan Water Act of 1902, a Conservative measure; and in the Housing of the Working Classes Act, 1890, which was also brought in by a Conservative Government. I think my noble friend ought to be satisfied with that answer.

Amendment, by leave, withdrawn.

Clause 26, as amended, agreed to.

Clause 27:—

LORD CLINTON moved to substitute "arbitration" for "valuation by a valuer appointed by the Board" for the determination of rent on renewal. This variation from the method followed in previous Acts was no doubt to save expense, an object he sympathised with, but there were other things more important than the cost. It was important for the smooth working of the measure that there should be full confidence in the person called upon to adjust the conditions and the amount of rent when land was compulsorily taken for a long term. The fixing of rent by the Board on the sole judgment of a single valuer appointed by the Board upon sworn evidence was closely akin to the setting up of a Land Court for fixing rents. This section did not deal only with the fixing of rents. There were other and much more difficult matters to be dealt with. Subsection (2) provided that in assessing the rent the valuer should not take into account any increase in the value of the holding—

"(*a*) Due to improvements in respect of which the council would have been entitled to compensation, if instead of renewing the tenancy the council had quitted the land on the determination of the tenancy, or

"(*b*) Due to any use to which the land might otherwise be put during the renewed term, being a use in respect of which the landlord is entitled to resume possession of the land under this Act, or

"(*c*) Due to the establishment by the council or other small holdings or allotments in the nighbourhood, or any depreciation in the value of the land in respect of which the landlord would have been entitled to compensation if the council had so quitted the land as aforesaid,'

"also any depreciation which may have been brought about by any other cause."

He believed those were all matters which required very careful weighing of evidence by an expert, trained man, and were not suitable in any way to be adjusted by any ordinary valuer.

THE LORD CHANCELLOR: There is no doubt this is a very important Amendment. May I be excused for travelling into the field to which the noble Lord referred—viz., the similarity or difference between fixing a rent by an arbitrator or by a Land Court. The principle that he espouses is the fixing by an arbitrator—I am afraid of mentioning the words "Land Court" in that connection—but whether it be by a valuer, an arbitrator, or a Land Court, I am not able to perceive any very great difference in the principle. In the Bill it is proposed that there shall be a valuer; while in the Amendment it is proposed that there shall be an arbitrator. The noble Lord has been perfectly accurate in describing the substantial difference between the two methods of procedure. An arbitrator has to observe all the formality of a legal proceeding—of a litigation—and is governed substantially by the rules that guide litigation. A valuer, on the other hand, may act upon his own information—upon inspection. Of course it is his duty to act in good faith, but he may act upon his own information, and is not obliged to hold what is called a litigation. He may call the parties if he likes and he may let them call witnesses if he likes. That is the substantial difference between the two proceedings. Of course valuers are used for some purposes; and it seems to me that this is a very suitable purpose for a valuer, and not for an arbitrator, because your Lordships will please to bear in mind that here it is the second term, so to speak. Nothing can be considered in regard to prospective value—that is excluded, because, from the nature of the lease, it is only to be treated as agricultural. The terms upon which land is to be taken are settled by the inquiry and by the Order that follows on the inquiry; and really there is nothing to do except to value the rent. In case of many arbitrators they have complex questions to consider and complex conclusions to arrive at. In this case it simply is the value of the rent, and nothing more. I submit that that is sufficient ground for treating this as a suitable subject for a valuation as opposed to an arbitration. I do not wish to repeat myself—I have said it many times—but our purpose is to avoid if we can litigious proceedings from the conviction I have already expressed—that if you multiply litigation you defeat your measure.

LORD CLINTON said that the noble and learned Lord had drawn a careful distinction between the two forms of procedure, and had said that valuation might be perfectly fair if the rent only was to be considered. But in this case there was something more than rent. As he understood, the noble and learned Lord said that when the lease was first taken out there was a prospective value to be considered, but that that was not so in the case of the second term.

THE LORD CHANCELLOR: I do not think there has been ever a prospective value, and certainly not on the second occasion.

LORD CLINTON said he understood the noble and learned Lord to say that when the first lease was taken there was something else to be considered, but that in the case of a renewal there was nothing else to be considered. But he thought that in the case of a renewal there was something else to be considered. Under Subsection (2) (*b*) the arbitrator had to consider the future value due to any other use to which the land might be put during the renewed term, and that was a case in which evidence had to be given, and probably sworn evidence. He did not think that was a case for an ordinary valuer. Again, even supposing it was a fair thing for a valuer to decide, why should not the parties in dispute be allowed to have a choice in appointing the valuer? That was done in other cases, and he did not know why it should not be done in this.

THE LORD CHANCELLOR: I am sorry if I did not adequately answer the noble Lord. I will endeavour to deal with the two points he has put. In the first place I will deal with the last point. The proposal is that the valuer shall be appointed by the Board when the Board is not interested; but if the Board is interested, then the proposal is that he shall be appointed by the Lord Chief Justice of England.

LORD CLINTON said that that was the arbitrator.

THE LORD CHANCELLOR: The valuer too. That sounds fair, I think; neither party selects the valuer; and after all, if you go to the Board when it is not interested, and to the Lord Chief Justice of England when it is interested, you get as near fair play as, I think, you are likely to get in any Bill. In regard to the second point, I was putting to the noble Lord that the real thing to be considered was the rent, and nothing more, in the second valuation. I will not enter upon the question of the first term, we are now dealing with the second, and therefore, after all, it is substantially the rent and nothing more. I did not wish to distinguish between the two, but, as I am doing so, let me apply my observations to the second term. In the second term the valuation is, I think, substantially of the rent, and nothing more. The noble Lord points me to Section 27, Subsection (2) (*b*). That amounts to this, that—

> "In assessing the rent to be paid under this section the valuer shall not take into account any increase in the value of the holding due to any use to which the land might otherwise be put during the renewed term, being a use in respect of which the landlord is entitled to resume possession of the land under this Act."

I think, if I remember rightly, building is one—he is not to put on a building rent—it is negative—he is to put a rent upon the land substantially as agricultural land; and, that being the measure, as I read it, of his duty, it seems to me the valuation is appropriate.

VISCOUNT ST. ALDWYN asked what about the first term. The valuer or the arbitrator, whichever he was called, had a great deal to do in fixing the rent of the first term, because he had to decide, not merely on the rent to be paid to the owner for the land taken, but also upon what compensation might be due to the owner for severance, and further, which was equally important, what compensation might be due to the tenant for the land taken away from him, which might be very difficult indeed to decide when the farm was badly cut up by the change. Considering that in all matters the Agricultural Holdings Act insisted upon an arbitrator to decide between landlord and tenant, surely in a case like the present, where land was to be compulsorily hired, and taken not only from the landlord, but from any existing tenant, and questions of compensation to both might arise, his noble friend was well advised in asking for an arbitrator, and he hoped he would press for a division.

THE LORD CHANCELLOR: It is quite true that on the first term the question of severance comes in.

VISCOUNT ST. ALDWYN: And compensation to the tenant.

THE LORD CHANCELLOR: Yes, and compensation to the tenant, no doubt. But this clause is dealing with the second term.

VISCOUNT ST. ALDWYN said that in the schedule it was "valuer" too.

THE LORD CHANCELLOR: I am now dealing with the Amendment of the noble Lord. I am quite prepared to deal with the question of severance when that question arises, but it does not arise on this Amendment.

VISCOUNT ST. ALDWYN confessed that he felt the Amendment of his noble friend applied much more to the first hiring than to later hirings. Would not the noble Lord consider whether he could not accept an arbitrator for the first hiring?

THE LORD CHANCELLOR: I should wish to consult with my colleagues upon a matter of that sort. The present Amendment, it appears to me, deals only with the second hiring; and it is not easy or convenient for me to give any sort of promise about a perfectly different clause and a perfectly different Amendment.

Amendment, by leave, withdrawn.

*VISCOUNT ST. ALDWYN moved an Amendment to give the landlord, on receiving notice from the council of a renewal of the hiring, the option of requiring the council either to purchase the land or to take it on lease at a perpetual rent-charge. He said that this Amendment was one which had already been discussed to a certain extent, and he therefore did not wish to trouble their Lordships with many remarks upon it. The noble and learned Lord, he thought, had objected rather, in the remarks which he had addressed to the Committee before, to a perpetual rent charge—almost to the extent that he would prefer purchase. He only wished to give an option to the council of one or the other. Speaking as a landlord, he thought one would much sooner have purchase outright than a perpetual rent-charge. But, at any rate, he thought it was not quite fair that in cases of hiring the landlord should be compelled to part with his land in such a way that the council might hire it for fourteen years, and that then again it might be hired for another fourteen years, and so on *ad infinitum*, without any power on the part of the landlord to select the tenant of the land, or any control over it at all. He begged to move.

Amendment moved—

"In page 13, line 40, after the word 'tenancy,' to insert the words, '(3) Within six months after the receipt of the notice mentioned in Subsection (1) of this section, the landlord may, by notice in writing, require the council to purchase the land, and thereupon the council shall purchase the land as if they had obtained an order authorising them to purchase the land and had served upon the landlord a notice to treat in respect thereof, and thenceforth the land shall be held by the council free from any right of resumption by the landlord under this Act; but if the council so elect the consideration for such purchase shall be a perpetual rent-charge payable by the council of an amount to be determined in default of agreement by arbitration, but in determining such rent-charge the arbitrator shall not make any allowance in respect of any use to which the land might otherwise be put, being a use in respect of which the owner of land compulsorily hired is entitled under this Act to resume possession, and Section 44 of the Conveyancing and Law of Property Act, 1881, shall apply to every such rent-charge.' "—(*Viscount St. Aldwyn.*)

THE LORD CHANCELLOR: Although the noble Lord, I am sure, quite loyally accepts the principle of compulsory hiring, I do not think, if I may say so, that in his innermost heart he very much likes it. But that is the principle of the Bill, and I think it is a principle that the House has given its approbation to. As regard this particular Amendment, there are two criticisms I would venture to offer upon it. The first is applicable to the way in which the Amendment is put. I think it is a criticism which would be inevitable with regard to any Amendment of the like sense, but at all events it is applicable to this Amendment. The Amendment would defeat its own purpose, because, if the council was liable, upon giving notice to renew, to be confronted with a demand for purchase, what they would do would be, not to give notice of renewal, but to allow the tenancy to lapse and begin again either with that or with some other land. So that it would prevent the operation which the noble Viscount told us was necessary, namely, that the landlord should have an opportunity of demanding purchase at the beginning of the next term. So that you will not catch your fish in this net. That is the first observation which I respectfully submit to the noble Viscount. But the second observation I make is, that after all we are dealing now with thirty-five years hence. There is plenty of time to watch the operation of the measure, to see what is going on, and to make the necessary arrangements beforehand. For my own part, I hope that the noble Viscount and myself, thirty-five years hence, may be considering what may be the best way of dealing with this difficulty in the light of our experience.

VISCOUNT ST. ALDWYN said it was impossible to resist the noble and learned Lord. He was afraid that the noble Lord's first objection was fatal to his Amendment and he could only ask leave to withdraw it.

Amendment, by leave, withdrawn.

LORD CLINTON, who had a consequential Amendment on the Paper to leave out "valuer" and insert "arbitrator," said that, having regard to the course pursued with reference to his previous Amendment, he would not move it.

VISCOUNT DOWNE moved to insert words providing that the valuer "shall not reduce the rent in consequence of any depreciations in the value of the land in respect of which the landlord would have been entitled to compensation if the council had so quitted the land as aforesaid." He hoped the noble Lord in charge of the Bill would not consider that he was actuated by any capricious spirit in moving this Amendment, but it seemed to him that the clause as it stood was not very clear. He understood that if the council gave notice that they would renew the tenancy a valuer would be appointed; but this valuer seemed to him to be in rather a curious position. He was not to take notice of any improvement there might be. He would not allude to that, because he was quite sure there was no fear of his raising the rent. But, on the other hand, although he might find the land very much deteriorated, they were told he was to take no notice of that. He thought it would be more satisfactory that they should not only think of his taking no account of it, but that they should express in words that he was not to lower the rent in consequence of that deterioration. He hoped the noble Earl would be able to accept those words.

Amendment moved —

"In page 14, line 14, to leave out the word 'or,' and to insert the words 'and he shall not reduce the rent in consequence of.' "—(*Viscount Downe.*)

EARL CARRINGTON: The insertion of the words of my noble friend would make the clause read thus—

"And he shall not reduce the rent in consequence of any depreciation in the value of the land in respect to which the landlord would have been entitled to compensation,".

and so on. The effect of the clause as it now stands is that the valuer is not to take any such depreciation into account in fixing the new rent on renewal. But after all there is not very much difference between us and my noble friend, it is only a question of drafting. The words of the Government draftsman are, of course, more agreeable to me; but we both really mean the same thing.

EARL NELSON said it might be owing to his stupidity, but there was one thing which he did not understand. The clause said that—

> "In assessing the rent to be paid under this section the valuer shall not take into consideration any increase in the value of the holding or any depreciation in the value of the land."

Turning to the provisions as to compulsory hiring of land by a council in Part II. of the Schedule, Paragraph 2, he found that it was particularly laid down that the—

> "compensation for any depreciation of the land by reason of any failure by the council, or any person deriving title under them,"

should be taken into consideration. In the one case the valuer was not to think of depreciation, and in Part II. of the Schedule, Paragraph 2, it stated that they were to take notice of depreciation.

EARL CARRINGTON: I should like to point out to the noble Earl that the provision is that the valuer shall not take into account any increase in the value of the holding due to those three paragraphs, or any depreciation in the value of the land in respect of which the landlord would have been entitled to compensation if the council had so quitted the land as aforesaid. I do not think the two things run together.

Amendment, by leave, withdrawn.

Clause 27, as amended, agreed to.

Clauses 28 and 29, agreed to.

Clause 30:—

*LORD BARNARD moved the omission of the words "be authorised under this Act," so as to widen the scope of the restrictions on the acquisition of land. He said that the marginal note to Clause 30 indicated very clearly its object. It imposed certain restrictions on the powers conferred by the Bill to take land compulsorily. The words which he proposed to omit would seem, at any rate in his judgment, to minimise or reduce the value of that restriction. He had not been able to satisfy himself as to what the meaning of the words "be authorised by an Order under this Act" was, unless they indicated that there might possibly be cases other than those which came under Orders under this Act in which land might be compulsorily taken for the purpose of small holdings. If that were so, he thought they ought to be told quite clearly what powers, if any, existed for that purpose. He was very much afraid that his noble friend the President of the Board of Agriculture would complain, as he had done in the case of several other Amendments, that he was too suspicious; but he did not mind confessing plainly that, though he was most heartily in favour, like most of the noble Lords, he believed, on that side of the House, of the principle of small holdings and allotments, still several of their Lordships had expressed in regard to previous clauses—and he certainly expressed with regard to this clause—some considerable suspicion, unless it was made perfectly plain what the meaning of the words he had read was that they were going to provide some kind of loophole by which the apparent restriction could be removed.

Amendment moved—

> "In page 15, lines 24 and 25, to leave out the words 'be authorised by an order under this Act.'"—(*Lord Barnard.*)

EARL CARRINGTON: As I understand the Amendment of the noble Lord, I think the question is whether the land proposed to be acquired is "part of any park, garden, pleasure ground, or other land required for the amenity or convenience of any dwelling-house." That question must be raised, in the Bill as it stands, before, and not after, the Order is made. In most cases that is a question, I suppose, that most men of common sense could answer at once, but there might be a doubt, or a question, and as we have tried to make the Bill as plain and as straightforward as we possibly can—though it is not a very easy thing to do—this must be settled before the Order is made. Therefore I hope that Lord Barnard will not press the Amendment.

*LORD BARNARD regretted very much that he had not made himself understood. He had, perhaps, been stupid in not sufficiently explaining himself, but it appeared to him that if the words he proposed to omit were omitted the clause would then read, "no land shall be acquired compulsorily"; and he could not understand in what way the addition of the words he proposed to omit added to the value of the clause. He therefore desired to press his Amendment.

THE LORD CHANCELLOR: I think it only means that no land can be acquired except by an Order, and the way in which it is drafted is that no Order is to be authorised which acquires compulsorily any land. I do not see that it makes much difference. I am not aware of any subtlety lying hidden in this language, and I think the wording of the Bill does not mean any danger to anybody.

VISCOUNT ST. ALDWYN said there was a point arising on this which perhaps the noble and learned Lord would examine. He thought the Bill repealed the hiring section of the Allotments Act of 1854, but he was not sure that it repealed the purchase section, and, if those words were left in, he understood the point of his noble friend (Lord Barnard) was that the land might be acquired compulsorily under an Order made under some previous Act, and not under this Act. He believed His Majesty's Government desired that any land to be acquired compulsorily in future should be acquired under an Order under this Act. He hoped that point would be examined for the purpose of seeing that previous Acts did not apply.

EARL CARRINGTON: Perhaps I might be allowed to look into that.

Amendment, by leave, withdrawn.
Earl Carrington.

LORD CLIFFORD OF CHUDLEIGH moved to omit the words "for the purposes of small holdings or allotments." This Amendment was somewhat similar to the previous one; it was merely to ensure that "any" land taken should be subject to the restriction of Clause 30. If there was no other land which could be acquired under this Act except land required for the purposes of small holdings and allotments, then, he contended, the words "for the purposes of small holdings or allotments" were unnecessary. If, on the other hand, there was any other land which could be acquired under the Act besides that required for the purposes of small holdings and allotments, then, he contended equally, it ought to come under the restriction of the clause.

Amendment moved—

"In page 15, lines 25 and 26, to leave out the words 'for the purposes of small holdings or allotments.'"—(*Lord Clifford of Chudleigh.*)

EARL CARRINGTON: I am very pleased to be able to agree to the noble Lord's Amendment.

On Question, Amendment agreed to.

*LORD HAVERSHAM moved to substitute "home farm" for "pleasure-ground." He said that in doing so, he appealed not only to his noble friend's sense of justice, but also, as he thought, to his sense of consistency. He held in his hand a copy of the Evicted Tenants Bill, dealing with the same matter, and in Clause 6 of that Bill he found the words—

> "No untenanted land shall be acquired compulsorily under this Act which is or forms part of any demesne, home farm, town park, garden, pleasure ground"

and so on. And again—

> "The Estates Commissioners shall, in the case of untenanted land, avoid all interference with the demesne and amenity of residence of the owner of the land, or with any home farm or land immediately adjoining and customarily occupied with his residence."

It was difficult to see, at first sight, why evicted tenants should be warned off the home farm, while the allotment holder was allowed to come on. Of course it was not necessary to waste time in pointing out to their Lordships, who were so much better aware than any other assembly of how much a home farm added to the amenity of demesne, and how much it added to the convenience, by supplying a great many articles to the household. But there was one consideration which he did not think had been put forward, namely, that if this proposal was carried out, and his noble friend brought a lot of allotment holders on to the home farm, they would displace rather more labourers than they would put on. These labourers would be men whom the landlord had a special interest in looking after; many of them would be married men with cottages, and these men, who had a special claim to be looked after by Members of their Lordships' House, as being immediately round their residences, would be left out in the cold. He could not understand any object in putting allotment holders upon a home farm, because, in addition to the drawbacks to the owner himself, there was all the inconvenience to the labourers in being removed from where they had been brought up for, perhaps, generations. He sincerely hoped his noble friend would see his way to make the Bill consistent with the Evicted Tenants Act in that respect, and that he would accept the Amendment.

Amendment moved—

"In page 15, line 27, to leave out the words 'pleasure ground,' and to insert the words 'home farm.'"—(*Lord Haversham.*)

THE EARL OF CAMPERDOWN pointed out that the noble Lord's speech was not quite in harmony with his Amendment on the Paper. He thought that very likely he did not mean what was on the Paper. His Amendment, as printed, was: "To leave out the words 'pleasure ground' and to insert the words 'home farm,'" while in his speech he had given some very good reasons for leaving in the words "pleasure ground." He mentioned the matter because he himself had an Amendment later to very much the same effect, and he apprehended that the noble Lord meant the same as he did.

LORD HAVERSHAM said he did not mean to leave out "pleasure ground."

***VISCOUNT GALWAY** said he had an Amendment that covered very much the same ground, and which it would not be necessary for him to move if Lord Haversham's Amendment was passed in such a way as properly to exempt the home farm.

EARL CARRINGTON: I understand that my noble friend leaves out "pleasure ground"?

LORD HAVERSHAM: No, I keep "pleasure ground" in.

EARL CARRINGTON: I am very pleased to hear that. The difficulty of this term "home farm"—indeed, the difficulty we have all through the Bill—is to know what on earth the English language means. Everybody in your Lordships' House knows what a "home farm" is. I happen to know what a "home farm" is, for I farmed 1,000 acres for several years, and lost £1,000 a year. This difficulty about the meaning of the words "home farm," leads us into a fresh difficulty. Of course, I am most anxious—as anxious as any noble Lord in your Lordships' House—not to do anything to interfere with the amenities and pleasures of country life; but then comes in the meaning of the words "home farm." Now, what does "home farm" mean? A "home farm" is supposed to be a certain farm attached to a mansion or dwelling-house in the country, which is a sort of playground of the owner, which he cultivates more or less—at least, I suppose some people do—at a profit. The other day, when the farm of Lord Ashtown was mentioned, and it was stated that his farm was—I am speaking under correction, from memory—6,000 or 7,000 acres in extent, Lord Inchiquin said, "Oh, that is nothing. My farm is 8,000 acres." And, of course, there comes in the difficulty of the English language. But if my noble friend would consent to the addition of the words "of any estate," so that it would read "the home farm of any estate," I am assured by those who are better judges than myself that people engaged in the law would be able to define what a "home farm" is. If my noble friend will accept those words "home farm of any estate," I shall be very glad to accept the Amendment.

THE EARL OF CAMPERDOWN said that the noble Earl was continually reminding them of the difficulties of the English language; but what about "home farm of any estate"? Did he call that the English language? To his mind the words did not convey any particular meaning. He knew that in the other House this Amendment was proposed, but it was objected to there on a different ground, namely, that it would be included in the words "or other land required for the amenity of a dwelling house." What was "the amenity of a dwelling house"? "Amenity" happened not to be English, but Scottish, and it was a very difficult thing indeed to say what exactly an "amenity" included and what it did not include. With regard to "home farm," he thought that was a very well understood expression, and it certainly was preferable to "home farm of any estate," because he did not know what "any estate" meant. He hoped, therefore, that the noble Earl would see his way to accept the Amendment.

VISCOUNT ST. ALDWYN said he could not quite understand why the noble Earl considered that "home farm" was susceptible of interpretation in Ireland but not in England. The words he thought were very easy to understand. He rather understood the noble Earl to suggest that a "home farm was a farm on which the unfortunate owner lost several hundreds a year. He hoped that was not the experience of their Lordships, and he could hardly believe that it had really been the experience of the President of the Board of Agriculture, who was himself so successful an agriculturist. He thought that the noble Earl, in making that remark, had merely been fulfilling his *rôle* as President of the Board of Agriculture by doing a little grumbling.

LORD BURGHCLERE said that as had already been pointed out the words in question occurred in an Irish Bill. He admitted that the English language might have its difficulties, but he supposed that, under those circumstances, the Evicted Tenants Bill was written in Irish, because it seemed to be accepted by the Government as defining what they meant by "home farm." He certainly would not have imagined that a "home farm" was a "pleasure ground," because he knew that some of his noble friends would be very willing if the home farm was left out if it were acquired by the local authority at a proper price. As the "home farm" was mentioned in the Evicted Tenants Bill, and as that definition was accepted by the Government draftsman in the Bill, he thought his noble friend might take it in this Bill also.

EARL CARRINGTON: I must remind the House that these words are in the Scottish Land Bill. I hope noble Lords will permit these words to stand for the present, we will consider them later.

LORD HAVERSHAM: I have no objection.

THE EARL OF CAMPERDOWN: But I have a very considerable objection. If that is accepted by my noble friend, I will move to amend the Amendment by leaving out the words "of any estate."

THE EARL OF ONSLOW: I think the better course would be to leave the Amendment as it stands on the Paper, and then the noble Lord can afterwards move to add the words "of any estate."

On Question, Amendment agreed to.

LORD HAVERSHAM: I beg to move to add the words "of any estate" after "home farm."

Amendment moved—

"After the words 'home farm,' to insert the words 'of any estate.'"—(*Lord Haversham.*)

On Question, Amendment negatived.

Amendment moved—

"In page 15, line 27, after the word 'ground,' to insert the words 'or home farm,' and to leave out the words 'other land,' and to insert the word 'is.'"—(*The Earl of Camperdown.*)

On Question, Amendment agreed to.

LORD HENEAGE moved to insert after "dwelling house" the words "or is adjacent thereto." He said he did so in order to raise the specific point of what was the meaning of the words "required for the amenity or convenience of any dwelling house." They could all understand what was meant when it was a question of a house standing in the middle of a park, a pleasure ground, or even in the middle of a home farm, but there were a number of dwelling houses which were on the outside of a park on one side, although they might have the park all round it on the other three. That was the case more especially in Lincolnshire, where all the houses had been built within 100 or 200 yards of the high road. He wished to ask his noble friend whether these words would cover the case of a house about 100 or 200 yards from the high road, where, on the other side of the high road, there was a quantity of really good grass land which, whilst required to be kept as grass land for the amenities of the estate, was let to other tenants, and was not in the occupation of the owner himself. He was very doubtful whether land let to other tenants—good grass land—in order, perhaps, to improve their poor farms, and not kept in the hands of the owner, would come within the meaning of the clause as being an "amenity." He proposed to add the words, "or is adjacent thereto," because he did not want to extend the clause any more than was absolutely necessary. He had looked out several words to see which were best. In the Irish Acts the words were "or immediately adjoining," but he thought the form he had adopted was better. In the dictionary the words "adjacent thereto" were defined as "closely contiguous, but not exactly touching." Felds adjacent to a road exactly fitted that, and it was such fields within, say, 200 or 300 yards of the high road, that he wished to include in the amenity of the place. It was entirely a question of law whether the clause included such fields or not, and he would therefore ask the noble Earl in charge of the Bill, or the Lord Chancellor, to tell him whether, according to his construction, the words as they stood covered that, or if not, whether the Government would either accept his words, or propose some other words to carry out their object.

Amendment moved—

"In page 15, line 28, after the word 'dwelling house,' to insert the words 'or is adjacent thereto.'"—(*Lord Heneage.*)

EARL CARRINGTON: I have high authority for stating that all the amenities of an estate would be protected under the Bill as it stands. One quite sees that in such country houses as those described by the noble Lord, of which there are many in Lincolnshire, where, as the noble Lord said, the road runs just in front of the house, and probably the road would run one side of the lawn-tennis ground, which is exactly in front of the house, and then at the other side of the road, which is protected by iron hurdles, is a park or park-like grass land with fine trees, it naturally would be impossible to contend that that was not one of the amenities of the place. I do not think there would be any difficulty at all about that. But then, on the other hand, it might be that with regard to land adjacent to a house it might be useful, and would really cause no annoyance or harm at all. I hope, therefore, the noble Lord will accept my assurance—which is not mine only, but is backed by a very good opinion—that the amenities of a landowner, which we all wish to preserve, are entirely protected under the Bill, and that he will not insist on these words being added, which might cause some difficulty and complication.

LORD HENEAGE said that after the assurance of the noble Lord that the case he had mentioned was included in the clause as it now stood, he would not press his Amendment.

Amendment, by leave, withdrawn.

THE EARL OF CAMPERDOWN moved to insert after the word "dwelling house" the words "or is woodland." He said it was obvious that "woodland" was not fit ground for small holdings, and this was a provision which was inserted, not infrequently, in Bills.

Amendment moved—

"In page 15, line 28, after the words 'dwelling house,' to insert the words 'or is woodland.'"—(*The Earl of Camperdown.*)

EARL CARRINGTON: I do not think that any county council would schedule any small copse or plantation with ornamental timber, as such plantations would naturally come under the amenities of the place, and in fact might be the great ornament of the property, the taking off of which would naturally very materially diminish the value of the property itself. I think also that these plantations must and would come under the amenities of the place exactly in the same way as in the case of the Amendment of my noble friend (Lord Heneage) which we have just discussed. Still less is it likely that a county council would be anxious to acquire woodland. The land would have to be cleared, and that is a very expensive operation, and a county council naturally would not wish to buy any large tract of woodland. But I think I ought to point out to the noble Lord that the Amendment as it stands would make it impossible to acquire any piece of land with any bunch or lump of trees upon it, however small, and I do not think the noble Lord wishes that. I hope he will consider that the amenities—the proper amenities—of a landlord would be properly preserved under the Bill as it stands, and that he will consider it unnecessary to insert these words.

*LORD BARNARD hoped the noble Lord would press his Amendment. He had taken a great interest in the subject of forestry, and in everything that was being done at the present time to promote it, and he thought that anything which tended towards the increase of woodlands in this country ought to be protected by every possible means. He would like to draw the attention of the House to another fact. The noble Lord evidently had in his mind woodland which formed part of the amenities, but his noble friend Lord Camperdown proposed to put in the words "or is woodland," after the "amenities" were finished with altogether, so that they would apply to woodlands generally all over the country. He hoped the Amendment would be persevered with.

THE LORD CHANCELLOR: As a practical matter, I may point this out. You might require to take a farm of, say, 500 acres, and there might be various woods in it amounting to four or five acres, or ten or twenty acres. Surely it will not be contended that the whole farm should not be taken, and that the owner should have left upon his hands a small wood of four or five acres isolated in the middle of his farm.

LORD CLIFFORD OF CHUDLEIGH asked whether the noble and learned Lord would say how such woodland could be utilised for the purposes of allotments.

THE LORD CHANCELLOR: I do not say that it should be utilised for the purposes of allotments, but I say that you might, in taking a farm of 500 acres, very legitimately be expected to take four or five acres of woodland in the middle, in fairness to the landlord.

VISCOUNT ST. ALDWYN thought there was great force in the appeal made by his noble friend Lord Barnard. Surely it was a matter of great public interest that owners of land in all parts of the country should be encouraged to plant, and if there was a possibility that a county council, or the Board of Agriculture, might come down and take plantations which had been planted at a very great expense, what landlord in his senses would ever plant any more? That really was a public matter which he thought His Majesty's Government ought to consider. The objection of the noble and learned Lord would be perfectly met if "woodland exceeding five acres," or something of that sort, was put in.

On Question, Amendment agreed to.

EARL FORTESCUE moved to except from the operation of the clause as amended woodlands exceeding 10 acres. The point raised by the Lord Chancellor was not a fanciful one, as he could say from his own knowledge of the West country, and he thought it would cause great inconvenience if the public authority, in acquiring a farm, were obliged to leave out a few acres of wood right in the middle of it. He begged to move.

Amendment moved—

"In page 15, after the words last inserted to insert the words 'exceeding ten acres.'"—(*Earl Fortescue.*)

THE LORD CHANCELLOR: The 10 acres would be better than nothing. The Amendment having been carried, it would be better to have 10 acres than to have no limit. But of course the Government will have to consider what view they will ultimately take with regard to this Amendment.

LORD BELPER pointed out that there would be no real difficulty in the case of a small piece of woodland in the middle of a large estate which had been taken compulsorily, because, although there was power to take it compulsorily, if the county council wanted to buy it and the landlord wanted to sell it, he could sell it voluntarily.

LORD REDESDALE said that small woodlands of the kind under discussion were often of exceeding value as a protection to crops from wind, and he thought it better to leave the Amendment of Lord Camperdown as it had been passed, without addition. Supposing a county council took a piece of land with a small, narrow copse which might be hardly 5 acres, it might be of the greatest possible value in protecting the farm on the other side of those 5 acres; and very great hardship might be inflicted on the farmer occupying the land on the other side if that copse was done away with. He hoped their Lordships would let the Amendment of Lord Camperdown stand as it was without the addition proposed.

THE CHAIRMAN OF COMMITTEES: My Lords, with the leave of the Committee, I should like to say one word. It seems to me that really we are endeavouring to legislate in a hurry, and I would venture to make an appeal to the noble Lord as to whether it would not be better to wait until the Report Stage of the Bill to decide what form his Amendment should take. Is it really right to take 10 acres, 5 acres, or some other size? I think the matter ought not to be decided in a hurry, and I venture to suggest that the noble Lord should withdraw his Amendment, and consider what should be the proper form of words before the next stage.

Amendment, by leave, withdrawn.

THE EARL OF PLYMOUTH moved to omit the words "so far as practicable" from the provision, in Subsection (2), that the Council on the Board of Agriculture should avoid taking an undue or inconvenient quantity of land from any one owner or tenant. He said he did not quite understand what the words "so far as practicable" were really intended to mean. The clause read—

"The Council, in making, and the Board, in confirming, an Order for the compulsory aquisition of land shall have regard to" (certain things) "and shall, so far as practicable, avoid taking an undue or inconvenient quantity of land from any one owner or tenant, or displacing any considerable number of agricultural labourers,"

and so on. He wished to ask, first, under what conditions they might be allowed to take an "undue" quantity of land, or an "inconvenient" quantity, or to displace "any considerable number of agricultural labourers." What was the qualification that those words brought with them? Perhaps his noble friend Lord Beauchamp might think it would be quite sufficient to discover that these words were used in other Bills. It was possible that they were, but he would like to ask what qualification it was intended that they should carry, especially as the noble Earl (Earl Carrington) in his next Amendment, repeated the phrase—

"So far as practicable avoid displacing any considerable number of agricultural labourers or others employed on or about the land."

Amendment moved—

"In page 15, lines 36 and 37, to leave out the words 'so far as practicable.'"—(*The Earl of Plymouth.*)

EARL CARRINGTON: I will do my best to explain it. I think it is pretty clear. Subsection (2) was inserted to prevent a county council acquiring any land which was required for the convenience of a country dwelling house, which might easily give rise to a very heavy claim for severance, and would make the transaction very costly, and a losing concern all round. We therefore put in the words "so far as practicable." The Board would be bound to consider all the objections made by an owner or tenant before confirming an Order, and if the words "so far as practicable" are left out, the county council might choose to take land which was necessary for the convenience of a dwelling house, which we should very much regret, and which we want to prevent as far as possible. That is the reason why these words are put in, and also to prevent any very heavy claim for severance, which of course would be a necessary corollary to doing such an unfair thing, and which would naturally make the transaction a losing one. I hope I have made the case clear, and have shown that these words are put in really for the protection of the public and of the landowner himself.

Amendment, by leave, withdrawn.

Earl CARRINGTON in moving to insert the words "and shall also, so far as practicable, avoid displacing any considerable number of agricultural labourers or others employed on or about the land," said: This is a purely drafting Amendment, the object being to transpose certain words in the middle of the clause. An Amendment was moved in another place which, sandwiched in those words in the middle of the clause, made it read very badly. Therefore, I ask leave instead of having those words in the middle of the clause to put them at the end of Subsection 2 after the words "land available for occupation therewith," on page 16.

Amendment moved—

"In page 16, line 3, after the word 'therewith,' to insert the words 'and shall also, so far as practicable, avoid displacing any considerable number of agricultural labourers or others employed on or about the land.'"—(*Earl Carrington.*)

On Question, Amendment agreed to.

Viscount St. ALDWYN moved to amend Subsection 3 of the clause which provides that "no holding of 50 acres or less in extent shall be authorised by an order under this Act to be acquired compulsorily for the purposes of small holdings or allotments," so as to make it read "No holding which either does not exceed fifty acres, or, if exceeding fifty acres is of an annual value for the purposes of income-tax not exceeding £50, nor any part of such holding, shall be authorised by an order under this Act to be acquired compulsorily for the purposes of small holdings or allotments." He said that the object was, of course, that there should not be compulsory acquisition of one small holding in order to make another, but the words were not consistent as they stood with the definition of "small holding" in the Act, which ran as follows:—

"An agricultural holding which exceeds one acre and either does not exceed fifty acres, or, if exceeding fifty acres is at the date of sale or letting of an annual value for the purpose of income-tax not exceeding £50."

He thought the Bill ought to be consistent with itself, and the description of small holding in the third subsection of this clause ought to be the same in the interpretation clause. He therefore begged to move the Amendment in his name.

Amendment moved—

"In page 16, line 4, to leave out the words 'of fifty acres or less in extent,' and to insert the words 'which either does not exceed fifty acres, or, if exceeding fifty acres, is of an annual value for the purposes of income-tax not exceeding £50, nor any part of such holding.'"—(*Viscount St. Aldwyn.*)

Earl CARRINGTON: The subsection itself was a concession to Mr. Hicks Beach in another place. It was his wish that this subsection as it now stands in the Bill should be put in in Committee; it is a distinct improvement, and I think was considered so all round. I am speaking from memory, but I think it was accepted without a division. But the words which the noble Viscount wishes to put in, I submit with all respect, go a great deal further, because the noble Viscount wishes that any farm whose annual value for income-tax purposes is £50 or under shall be exempt.

Viscount St. ALDWYN said he took the definition of "small holding" from the Bill.

EARL CARRINGTON: I must remind the House that there are some very poor farms in Essex and elsewhere which are very lowly rented, and after all, the annual value for income-tax is about two-thirds of the rent, so that a farm of 150 acres at a very low rent. would at once be barred from the scope of the Act, and I do not think that would be a very desirable thing to do. I hope the noble Viscount will not press his Amendment.

VISCOUNT ST. ALDWYN said that if a farm were of such small value as the noble Earl suggested, it was of that value owing to the poverty of the land, and it was no good to take from somebody else land such as that to constitute small holdings, unless it was taken of the same size as now. That was the definition of "small holding" by His Majesty's Government, and it seemed reasonable to expect that the Bill should be consistent with itself.

THE LORD CHANCELLOR: I think there is some misunderstanding—perhaps on my part—but under the Amendment of the noble Viscount it would be possible to take land under one acre.

VISCOUNT ST. ALDWYN: Oh, no.

THE LORD CHANCELLOR: Yes—that is this way it reads—

> "No holding which exceeds one acre and either does not exceed fifty acres, or if exceeding fifty acres."

VISCOUNT ST. ALDWYN: Those are not my words as they are printed in the Paper.

THE LORD CHANCELLOR: I see. The Amendment has been slightly altered.

EARL CARRINGTON: I cannot agree to that Amendment.

On Question, Amendment agreed to.

EARL CARRINGTON, who had an Amendment, on page 16, line 4, after the word "extent" to insert the words "nor any part of such holding," said it was unnecessary now for him to move it.

***LORD BARNARD**, who had an Amendment on the Paper to leave out the words "be authorised by an Order under this Act to," so that Subsection (3) would read "No holding of fifty acres or less in extent shall be acquired compulsorily for the purpose of small holdings or allotments," said that if the noble Earl in charge of the Bill would give the same assurance as he had done in regard to his previous Amendment, it would not be necessary for him to move the Amendment.

EARL CARRINGTON: Certainly.

Clause 30, as amended, agreed to.

Clause 31:—

LORD CLIFFORD OF CHUDLEIGH, in moving to insert the words "subject to the restrictions by this Act imposed," said the Amendment was one which might be rendered unnecessary by the alterations made in Clause 30. The only object was to make the restrictions imposed by the Bill upon the compulsory taking of land apply also to land taken under Clause 31. He thought the best way would be for him to move the Amendment, and, if the alterations which were to be made in Clause 30 appeared to render it unnecessary, he would then move that it be omitted again.

Amendment moved—

> "In page 16, line 8, after the word 'shall,' to insert the words 'subject to the restrictions by this Act imposed.'"—(*Lord Clifford of Chudleigh.*)

THE EARL OF CAMPERDOWN submitted that his noble friend's Amendment would be necessary under any circumstances, because as Clause 31 stood it provided that—

> "The powers of a council to acquire land for small holdings or allotments shall include power to acquire land,"

and so on. That was to say, that under the clause as it stood, the council might acquire any land. The Amendment of the noble Lord limited that by saying "subject to the restrictions by this Act imposed," and the "restrictions by this Act imposed" were contained in Clause

30, which exempted "any park, garden, pleasure-ground," and so on. If the Amendment of the noble Lord were not inserted, then it would be quite possible to take a piece of a park or any of the other things which had been specially forbidden to be taken, and therefore he hoped his noble friend would insist upon his Amendment.

EARL CARRINGTON: I am very glad to be able to say that I accept the noble Lord's Amendment.

On Question, Amendment agreed to.

Clause 31, as amended, agreed to.

Clause 32 agreed to.

Clause 33:—

THE EARL OF PLYMOUTH, in moving to include as land which might be resumed under the Act, "land required for the making of roads, reservoirs, railways, or other similar works necessary for the improvement and development of the estate," said that he very much hoped the noble Earl in charge of the Bill would be able to accept this Amendment. He did not think it could be the intention of the Government not to include in this clause certain works which might be required for the improvement and development of an estate. It did not really matter in whose hands the estate was, whether it was in the hands of the landlord, as at the present moment, or whether it passed into other hands—into the hands possibly of a public authority. It seemed to him desirable that certain works, such as roads, reservoirs, connected with water supply, railways, or other similar works necessary for the improvement and development of an estate, should be included, and that words covering works of that description should be inserted in addition to those which existed in the clause as it now stood—that the landlord should be able to resume possession if it was shown to the satisfaction of the board that the land required was land to be used for building, mining, or other industrial purposes. This was only a very small addition to what he conceived to be the intention of the clause, and it provided for certain other things which were necessary for the improvement and development of an estate. He had put in the words "roads, reservoirs, railways, or other similar works," to show that it was intended to refer to works of that kind; and that it was not to be considered that "the improvement and development of an estate" carried with it merely the amenities or other considerations of that kind—for instance, that severance would be against the improvement of the estate. He did not wish to include that the least in the world, but only such works as roads railways, etc., which were necessary for the development and improvement of the estate.

Amendment moved—

"In page 16, line 36, after the word 'purposes,' to insert the words 'or for the making of roads, reservoirs, railways, or other similar works necessary for the improvement and development of the estate.'"—(*The Earl of Plymouth.*)

EARL CARRINGTON: The noble Earl says this is a very small addition, but I am informed—and I am afraid, too—that if these words are agreed to they will render the tenure of the county council still more insecure and may materially increase the cost of providing the holdings. The powers of resumption, as the noble Earl correctly said, are limited to building, mining, and other industrial purposes, but the purposes that the noble Earl suggests should also be added, are of such a character as cannot be taken into account in fixing the rent to be paid under Part II. of the Scheme, so that I am afraid, as far as the Government is concerned, we cannot possibly agree to the noble Earl's Amendment, though I am very sorry for it.

*VISCOUNT GALWAY wished to remind the noble Lord that it was necessary to obtain the approval of the Board of Agriculture, and if the Board of Agriculture were satisfied that not only the estate, but the whole district, was improved by reason of the waterworks, railways, or making of roads, he would have thought the Board would have had sufficient control over it to allow the noble Earl to put the Amendment in.

VISCOUNT ST. ALDWYN asked whether the noble Earl would accept the Amendment with the omission of "other similar works," which was a rather vague phrase. He thought the noble Earl who had moved the Amendment had already named the most important works.

EARL CARRINGTON: I am afraid I must resist the Amendment.

THE CHAIRMAN OF COMMITTEES: Does the noble Earl move the whole Amendment?

THE EARL OF PLYMOUTH: Yes.

On Question, Amendment agreed to.

***VISCOUNT ST. ALDWYN** moved the insertion of a proviso that where land had been hired compulsorily by the Commissioners acting in default of a county council, any difference arising between the Board and the landlord as to the right of the landlord to resume possession under this section should be determined by arbitration. He said that the Amendment carried out a principle which was already accepted in the Bill—that when the Board was a party to the case the Lord Chief Justice and not the Board should appoint the arbitrator or valuer. If His Majesty's Government could suggest any other mode of determining the matter in the event of the Board differing from the landlord as to his right of resumption of his property, under such circumstances he would be quite willing to accept that; but surely in so important a point as the consideration of the right of the landlord to resume for the purposes named—the decision should not be left solely with the Board as to whether the landlord had the right to require such resumption. He merely wanted some tribunal or other to settle the matter as between the parties to the case. He begged to move.

Amendment moved—

"In page 17, line 13, after the word 'Board,' to insert the words 'Provided that where land has been hired compulsorily by the Commissioners acting in default of a county council, any difference arising between the Board and the landlord as to the right of the landlord to resume possession under this section shall be determined by arbitration.'"—(*Viscount St. Aldwyn.*)

THE LORD CHANCELLOR: I am not sure whether I quite appreciate the point, and I am not quite sure whether I am accurate in my view of what the clause does. Therefore, I hope the noble Viscount will be indulgent to me if I am wrong, but, as I understand, here the landlord has the right in law to resume possession.

VISCOUNT ST. ALDWYN: At his own will?

THE LORD CHANCELLOR: At his own will. Surely it is so. May I read the clause to the noble Viscount and see—

"When land has been hired by a council compulsorily under this Act or the Allotments Acts, and the land or any part thereof at any time during the tenancy thereof by the council is shown to the satisfaction of the Board to be required by the landlord to be used for building, mining, or other industrial purposes, it shall be lawful for the landlord to resume possession of the land"

and so on. It is the case undoubtedly, when you look at that, that the Board has to be satisfied that it is required.

VISCOUNT ST. ALDWYN: Yes, but has the Board to be satisfied merely that the landlord requires it, or that it ought to be required?

THE LORD CHANCELLOR: I think it is quite open to the interpretation that it means that it is needed—really needed—and if that is so, the noble Viscount would be right in his view that the Board decides the question. I think there is certainly ground for saying, if you look at the wording of the clause, that it is open to that construction. If that is the case all I have to say is that it must be remembered that the Board is not itself interested in it—it is the council which is interested, and the Board is acting as an arbitrator in every real sense of the word, because the council which has hired the land on the one side, and the landlord on the other side, dispute as to whether the land is required for one of the purposes specified. The Board has to decide between them, and the Board is really acting as arbitrator in a matter in which it is not interested.

VISCOUNT ST. ALDWYN said that with all deference to the noble and learned Lord that was a principle which His Majesty's Government had already felt to be untenable. Why otherwise had they allowed the Lord Chief Justice to appoint an arbitrator or valuer in cases where the Board was on the one side acting in default of the county council?

THE LORD CHANCELLOR: It is quite true that the Lord Chief Justice does appoint a valuer where the Board itself is interested. That, in substance, is the effect of the Bill. As I understand, the noble Viscount wishes that where the Board is itself interested it shall not be the judge as to whether the land is really required. That seems to be the substance of it. Will the noble Viscount allow us to consider that between now and the Report stage, and see what can be done?

Amendment, by leave, withdrawn.

*LORD HYLTON did not know whether it had been considered at all, but there was one point at any rate which had not yet been moved by any noble Lord, but which he considered might have a very grave and serious importance. Taking the case of land which had a prospective building value, and was within a comparatively short distance of any large town, at present, until that prospective value became real it would be let for agricultural purposes, and all agreements to let any such land at present had what was called a resumption clause, giving, as a rule, power to the landlord to resume within three months for purposes other than agricultural, he paying to the tenant, proper compensation under existing Acts. He wanted the noble Earl to be good enough to consider, between then and the next stage of the Bill, whether he could not see his way to reducing the term of twelve months named in the clause to a much shorter period where the landowner found that a general demand for building had sprung up and he was willing to pay his tenants the same compensation as he would have paid under existing Acts. Why should the landowner be put in a worse position with regard to prospective building land after the passage of the Bill than at the present moment? At present he was able to resume land for other than agricultural purposes in three months' time, but under this Bill he would be unable to do so within a maximum of two years and a minimum of one year. He would also like to ask the noble Earl if he would consider whether the words "shown to the satisfaction of the Board," in line 4 of the clause, might not also give the landowner considerable difficulty in dealing with the prospective value of his land. Their Lordships must be well aware that if builders found they were hampered and there was a difficulty in getting land from one owner, they very often left him and went to the next. He hoped the noble Earl would carefully consider this matter, for he thought that if the clause was passed in its present form it was really one which would very considerably injure owners of prospective building estates all over the country.

LORD FITZMAURICE understood that the noble Lord's Amendment was not upon the Paper.

*LORD HYLTON said he had not been able to put an Amendment on the Paper. He only asked the noble Earl if he would be good enough to consider by the next stage whether some arrangement of this sort could be come to—otherwise he would put an Amendment upon the Paper.

LORD FITZMAURICE said shat if he was able to follow twhat had fallen from his noble friend it substantially covered the same points as were covered in the reply of the Lord Chancellor to another noble Lord. It seemed to him it was a little difficult to follow further suggestions which were not placed on the Paper, but if the noble Lord would communicate with his noble friend who was in charge of the Bill, and if it was found that the point came within the same rule as that which the Lord Chancellor had laid down, every attempt would be made to deal with the point.

Clause 33, as amended, agreed to.

Clause 34:—

*LORD HAVERSHAM, in moving to substitute the word "on" for the word "and," said he had only put this Amendment down in order to ascertain from his noble friend what was intended in the case of a labourer turned out of his employment and for whom no employment could be found in the same locality. Was it intended that the county council should pay him compensation for his loss of employment and also pay his expenses of moving to another locality where he would be able to obtain employment? If it was intended to do both, that would meet the whole justice of the case, but he thought it would be very unfair to give such labourer only the first named form of compensation and to cut him off from receiving his expenses of removal.

Amendment moved—

"In page 17, line 10, to leave out the word or,' and to insert the word 'and.'"—(*Lord Haversham.*)

EARL CARRINGTON: I am very happy to be able to inform my noble friend that we wish in every way to deal as liberally as possible with the labourer, but the details must of course be left to the discretion of the authority. I must ask my noble friend not to press his Amendment, because the result of putting in the words proposed would be that the labourer would not be able to get any compensation unless he removed from the village. Our object is to allow the county council to pay compensation either for loss of employment or for the expenses of removal from the land, or, if there was a very hard case, we should very likely see our way to help him in both ways.

*LORD HAVERSHAM said that as he was satisfied that the noble Lord intended both considerations to be taken into account he would withdraw his Amendment.

Amendment, by leave, withdrawn.

Clause 35:—

THE EARL OF POWIS moved to amend the second paragraph of Subsection (2) so that it would read: "Provided that, in the case of land hired compulsorily, the amount of the compensation payable to the council for those improvements shall be such sum as fairly represents the increase (if any) in the value to the landlord and his successors in title as he or they may then require to use the land and which is due to those improvements." He said there were two Amendments, one following the other, standing in his name. The first was merely a drafting Amendment consequent on the second, the point of which was to leave out the words, "of the holding," and to insert, "as he or they may then require to use land and which is"—and then the clause would go on—"due to those improvements." He felt sure that His Majesty's Government only wished to treat everybody fairly in this matter of compensation, but as he read the clause, it seemed to him that the county council were to get compensation, and the small holder was to get compensation, but the one person with regard to whom it seemed rather doubtful whether he would get real compensation was the landlord. It seemed to him that under the clause as it stood the landlord might be called upon to pay in thirty-five or seventy years' time for something which was of absolutely no value to him when he got it. He thought if their Lordships would consider for a few minutes they would agree that there were many places which had grown up within their recollection in thirty-five years which would have rendered a small holding absolutely useless, and if at the end of thirty-five years the landlord was to be called upon to take over buildings, which might be very nice and excellent buildings as far as the small holding was concerned, but which were absolutely useless to him in the state of the surrounding country, then it would indeed be hard upon him, and he felt sure that if His Majesty's Government realised the point which he hoped he might be able to make clear to them, they would be willing to accept the Amendment standing in his name. He would give one or two instances of what he meant. There were many places to which his contention would apply in the north of England in the coal-mining districts, or in Cheshire, where they extracted brine from the land, or even, to take another case, in places where a large town had sprung up on land what was formerly an open bit of country suitable for small holdings. In the case of a mineral country, the subsoil might have sunk all away, and it might be practically dangerous to go on the land, and although the buildings might still be standing there, all the surrounding country might be falling away. He remembered once, when he had had the pleasure of hunting with a gentleman's hounds in the north of England, after a long run he stopped, and the whip immediately called out to him: "For goodness sake do not stop there, my Lord, you will go through." Under those circumstances he did not think that buildings on a small holding would be of much use to one if one might "go through." And the same sort of thing occurred also in the brine districts of Cheshire. Then in a large populous area which had sprung up, they often saw a whole country perfectly waste round some of those mining towns, and they could not possibly grow anything upon it, and though the buildings in themselves might be perfectly good, provided they were going to be turned into small holdings, they might be perfectly useless to the landowner to whom the land was handed over. Again, if they wanted to develop a building estate, a small holding with pigsties might be very detrimental to the adjoining estate—the fact of pigsties having been on the place during the last twenty years might prevent a man from developing his estate, and the fact of small holdings having been on the estate might mean a deterioration of all the surrounding property, With regard to that point, he would venture to mention what Mr. Harcourt had said in Grand Committee that—

> "The landlord was only to pay for those improvements if they were of value to him as a landlord."

That was all he asked—that landlords should not be asked to pay for anything that was not of value to them as landlords. The right hon. Gentleman went on further to say—

> "Of course, they were acting under compulsion, and it would, therefore, be impossible to obtain the consent, and they had to assume the consent by Statute, but they did not proceed to charge the landlord with improvements which were not of value to him as a landlord."

That was exactly his point, and he hoped that His Majesty's Government might be able to concede it. He might put one other point to noble Lords opposite. In the case of a very small landlord—a man who perhaps had only one set of farms—if he was asked to pay for buildings on a small holding the cost of which perhaps would be £600, and which would be of absolutely no value to him, it might mean ruin. He begged to move the Amendment which stood in his name.

Amendment moved—

> "In page 18, line 5, to leave out the words 'of the holding,' and to insert the words 'as he or they may then require to use the land and which is.'"—(*The Earl of Powis.*)

LORD FITZMAURICE did not think there was really any difference of opinion between his noble friend who had moved the Amendment and the Government, because the language of the Bill as it stood quite sufficiently, he thought, covered the point. The point had been very clearly stated by his noble friend, who had stated that he wished, when there had been a case of this kind of resumption, that the landlord should not, as it were, be charged with the cost of what might be called a "white elephant." He thought if his noble friend would look at the words he would see that what was there named was not the expenditure which might have taken place, but the "value of the holding to the landlord and his successors in title." If he correctly understood those words, and they seemed to him tolerably clear, no advantage would be gained to his noble friend by the Amendment which he had moved. But in addition to that he must say that from the mere point of view of drafting he could not think that his noble friend's words were very fortunate even in carrying out his own meaning, because the clause would then read—

> "Provided that in case of land hired compulsorily the amount of the compensation payable to the council for those improvements shall be such sum as fairly represents the increase (if any) in the value to the landlord and his successors in title as he or they may then require to

use the land and which is due to those improvements."

That was not very clear; on the contrary, it seemed to him to make the meaning of the clause more doubtful.

THE EARL OF POWIS did not think the noble Lord quite grasped his point. Reading the paragraph as it stood, it said—

> "The value to the landlord and his successors in title of the holding due to those improvements."

He would point out that they might be improvements in the holding, if it was a small holding, but if it was no longer a small holding they might be no improvements at all.

LORD FITZMAURICE said it was a question of legal interpretation, and he would much prefer that the House, if it was desirous of doing so, should hear his noble and learned friend the Lord Chancellor, who would speak with much greater authority than himself. But his view was that the words of the clause would cover the point raised by his noble friend. He had stated exceedingly clearly that he did not wish the landlord to be charged with the cost of a "white elephant." The tenant spent money on certain improvements, and when the tenant handed over the holding to the landlord, the latter found that those improvements were of no use. The words were: "to the landlord and his successors in title." Those were vital words; and his learned friend had said that he would leave out those words.

VISCOUNT ST. ALDWYN said the noble Lord had rather invited the House to hear the opinion of the noble and learned Lord Chancellor, and he thought it would be satisfactory to his noble friend who had moved the Amendment if the noble and learned Lord would give the House his opinion.

THE LORD CHANCELLOR: I will do so with pleasure. I think "the value to the landlord and his successors in title of the holding due to those improvements" means, not the value of the improvements, but the value to him, and I think they are the most apt words to express the very distinction which the noble Lord wishes to draw.

THE EARL OF POWIS said that after what the noble Lord (Lord Fitzmaurice) and the noble and learned Lord (the Lord Chancellor) had said, he was quite satisfied to withdraw his Amendment.

Amendment, by leave, withdrawn.

VISCOUNT ST. ALDWYN said that he had already tried to improve the drafting of the Bill; and he now begged to move, to leave out Subsection 4, which was already covered by the preceding clause.

Amendment moved—

> "To leave out Sub-section 4."—(*Viscount St. Aldwyn.*)

EARL CARRINGTON: I am in the hands of the noble Viscount, but I do not agree with him.

VISCOUNT ST. ALDWYN said he would prove it. "Subsection (5) of Section 7 in the Allotments Act, 1887, is hereby repealed." If the noble Lord would look at the Schedule——

LORD FITZMAURICE: Yes, that is so.

On Question, Amendment agreed to.

Clause 35, as amended, agreed to.

After Clause 35:—

VISCOUNT DOWNE moved the insertion of the following new clause: "Where land has been hired by a council for small holdings or allotments, the council shall give reasonable consideration to objections stated by the landlord to any applicant, and, so far as may be, shall give a preference to applicants preferred by the landlord." He hoped their Lordships would attach some importance to the new clause which he proposed to insert. He could not claim any originality for it, because he had borrowed it from the Scottish Bill; and he trusted, therefore, it would receive tender treatment from the noble Earl in charge of the Bill. When he first received the Bill he looked carefully through it, first from beginning to end, and then from the end to the beginning. He found in it a great deal about county councils, parish councils, valuers and landlords, but nothing about the tenants of these holdings. Yet surely those tenants were a rather important part of the Bill. He fancied that the noble Earl would say that the landlords had nothing whatever to do with the future tenants—that all they had to think of were the county councils who were to take their land from them. But, if the Bill was to be a success, it would require the co-operation of everybody, and in that co-operation surely the poor landlord must take some part. It seemed to him there were certain objectionable classes of people who might be dumped down upon the landlords, and who would do nothing to help the locality in which they were placed. He would give their Lordships two instances. He knew of a case of a man who got two children out of his own daughter. The landlord knew nothing about the first child, but when it came to the second, and he heard of it, he thought it time to interfere. Their Lordships would admit that that man was a very undesirable neighbour, and it was perfectly possible that from spiteful motives he would wish to be reinstated on the very property from which he had been evicted. He did not think noble Lords would say that such a man would be an acquisition to any locality. He would give another instance. He knew of a case of a labourer who liked to work only when he chose, and to do nothing when he chose. He got an old truck moved into the middle of a farm. The farmer did not mind employing him, for he was a very good workman, and the farmer employed him because he was able to get the man's services for very much less money than the ordinary run of labourers. The man lived there with an old woman, who was not his wife, or even his deceased wife's sister; and those two used to collect all the riff-raff of the country, and to carry on their orgies on Saturday night and Sunday night. Surely such a person as that would not be a great acquisition to any locality. He could go on multiplying instances, but he thought that he had said enough to persuade the noble Earl that there were certain men who would be decided nuisances. He quite accepted what the noble Lord had said, that somebody must suffer for the good of the community, and in this Bill no doubt it was the landlord who took that part. But all must co-operate if the Bill was to be a success; and though part of his land would be taken from him, still the landlord would remain rather an important factor in his district. Surely these new tenants would have a greater chance of success if they were on good terms with the landlord, instead of on bad terms. He trusted the noble Earl would see his way to accept the proposed new clause.

Amendment moved—

"After Clause 35, to insert the following new clause: 'Where land has been hired by a council for small holdings or allotments the council shall give reasonable consideration to objections stated by the landlord to any applicant, and so far as may be, shall give a preference to applicants preferred by the landlord.'"—(*Viscount Downe.*)

EARL CARRINGTON: This is another case of the Scottish Bill. I must say that I have listened to the noble Viscount's speech with some sort of wonder, because I cannot conceive any county council in its senses, with even the most spiteful motive ever placing on the ground such very objectionable people as the noble Viscount has mentioned. I think I can reassure him upon that point. I do not think there will be the smallest fear that any county council will ever put such people on anybody's property. The noble Viscount has stated that the words were taken from the Scottish Bill. That is perfectly true, but then the circumstances there were entirely different. In Scotland, where the land was taken compulsorily, the tenant pays his rent to the landlord direct; the landlord is the man who will receive the rent from these people who are proposed to be put on his property; and, therefore, naturally it is perfectly right that he should have the right to object to anybody that he does not conceive to be either a solvent or a desirable person to put on the holding. But here in England I must point out that the case is entirely different. Practically the county council is the tenant of the landlord, and responsible for the rent; and the county council being responsible for the rent, surely they ought not to be interfered with in any way by the landlord as to whom they think right to put, or not to put, on the land. The landlord is absolutely secured in regard to his rent, and after all, county councils are human beings, and have a certain sense of right and wrong. The landlord has a perfectly solvent tenant in the county council, and I think the county council, in all fairness, must be allowed a free hand as to the tenants they may think it right to take. I hope the noble Viscount will not press his Amendment.

VISCOUNT ST. ALDWYN said the noble Earl seemed to be imbued with the idea that a landlord cared nothing about his land so long as he got his rent from it. That was a view he could not share, and he did not believe that the noble Earl, as a landlord himself, really thought that. But he quite admitted that the noble Earl had some ground for objecting to this proposal. He (Viscount St. Aldwyn) did not think that a landlord whose land was compulsorily hired—perhaps for a century together—by the county council, ought to be responsible for the tenants whom the county council placed there. The county council must be responsible. And, although his noble friend's Amendment would enable a landlord to have his say in the choice of the tenants, it would have no effect whatever on their continuance in the holdings, whatever their conduct might be. So that he really did not think the Amendment would effect the end his noble friend had in view, and he thought it would impose upon the landlord a responsibility which he ought not to have to bear.

Amendment, by leave, withdrawn.

Clause 36:—

EARL CARRINGTON moved the insertion of the following subsection: "Where any receipts or payments of money under this Act are entrusted by the county council to the small holdings and allotments committee, or any sub-committee thereof, the accounts of those receipts and payments shall be accounts of the county council, and made up and audited accordingly." He said that the Amendment was introduced in deference to the wishes of the Local Government Board. It was a question of audit only, and the Local Government Board wanted to have it made clear that the small holdings accounts were subject to Government audit. He thought it was a good Amendment, and hoped it would be accepted.

Amendment moved—

"In page 19, line 3, after the word 'Acts,' to insert the following new sub-section: '(3) Where any receipts or payments money under this Act are entrusted by the county council to the small holdings and allotments committee, or any sub-committee thereof, the accounts of those receipts and payments shall be accounts of the county council, and made up and audited accordingly.'"—(*Earl Carrington.*)

On Question, Amendment agreed to.

Clause 36, as amended, agreed to.

Clauses 37 and 38 agreed to.

Clause 39:—

LORD KENYON moved an Amendment providing that the co-operative societies which the county council might promote or assist should be those whose "principal" object was the profitable working of small holdings or allotments. He said that this was rather a corollary to the Amendment which he had moved a little while previously. Clause 39 provided that these associations and co-operative societies should have for their objects, or one of their objects, the provision and profitable working of small holdings and allotments. He thought that should be their principal object, and therefore he moved the words standing in his name. It was quite possible that an association or co-operative society might fail in some of the other undertakings with which they were connected, and in such failure they might cause the failure of the particular branch which dealt with allotments and small holdings, with the result that the county council and the ratepayers would suffer. He thought it was only fair and right that their principal objects should be the objects connected with this Bill. Their Lordships were probably aware that there were various associations and societies, such as those at Letchworth and Ealing, where there were other undertakings. He thought at Letchworth there was a printing undertaking connected with the association. He would be very sorry if anything he were to put in prevented these associations from undertaking subordinate operations, and, therefore, he had put in the word "principal."

Amendment moved—

"In page 19, line 24, after the word 'their,' to insert the word 'principal.'"—(*Lord Kenyon.*)

Earl CARRINGTON: I quite understand the wish of the noble Lord in the matter, but is it not rather a difficult thing to define what is the "principal" object? We have in these clauses taken up the idea of the recommendation of the noble Lord, the Lord Chairman, and it must be remembered that some co-operative societies have other objects besides small holdings, and we do not want to deprive ourselves of the powers of assisting those societies. There are safeguards, as the noble Lord knows, in Subsection (2), whereby the Local Government Board may prescribe conditions as to audit, and whereby they have a right to inspect books, or to make any other provisions that they may think necessary. I hope the noble Lord will not think it necessary to press the insertion of the word "principal."

The Earl of WEMYSS said he had been asked to call their Lordships' attention to this clause, but not in the sense in which it had been dealt with by Lord Kenyon, who wished the operation of the clause to be limited to those associations having small holdings. He (the Earl of Wemyss) took exception to the whole clause—to the principle of it. That principle was an absolutely novel one—that a co-operative society, no matter for what object, was to be supplemented by public funds, whether from the rates or not. The small traders objected very strongly to this, and he heartily agreed with those who had written to him on the subject. There were the Launceston District, Peterborough, the Manchester, Salford, and District Association, and the Central Agency of Traders' Defence Associations, all of whom objected very strongly, and he thought rightly, to public money being spent to help these co-operative societies who were competing against private traders. He thought the principle was absolutely wrong, and if anybody would give him any support, he would move the rejection of the clause altogether. All its provisions were in the same category — they were operating against the private trader with the assistance of public money. It was all very well to laugh, but public money was to be given for the first time to corporate bodies to help them to compete with individuals engaged in trade. He thought the thing was absolutely wrong and immoral, and ought to be rejected. He would move the rejection of the clause.

The CHAIRMAN of COMMITTEES: I would point out to the noble Earl that the proper time to move the rejection of the clause will be when the question is put whether the clause stand part of the Bill.

On Question, Amendment negatived.

Lord KENYON said he would not move the consequential Amendments which stood in his name.

***Lord ZOUCHE of HARYNGWORTH** moved an Amendment with the object of putting some limit on the powers of the county council under Local Government Board regulations of assisting co-operative societies by guaranteeing or making advances. He said that the Amendment was in the main suggested by one of the co-operative societies interested in agriculture, and which was, therefore, one iof the co-operative societies alluded to in the Bill. He was advised that the objection to the word "guarantee," as it stood in the Bill, was that it was somewhat too vague and sweeping, because it opened the door to the danger of inadvertently giving the guarantee of the county councils generally as to stability and so forth, and as to the financial *status* of these societies. This might possibly produce a wrong impression, and induce people to put their money into these concerns as shareholders, when perhaps a company or a society happened to be not very desirable. That was to say, the county council might possibly be deceived by not looking very carefully into the nature of these co-operative societies, and might in perfect good faith give a guarantee which would produce a wrong impression, thereby giving the idea of guaranteeing a company which was in reality a not very stable one. Then it was suggested that if the expression "guarantee" came a little later—that they might guarantee or make advances to the society—there would not be the same objection, because in that case the expression "guarantee" would cover advances, and would not be such a general term as that contained in the Bill. It was also suggested that possibly the word "guarantee," as used in the Bill, might go beyond what the Government themselves intended, which was that there should be a provision for a properly formed co-operative society to be helped by the county council, but that the county council should not in any way be led into the position of giving a guarantee for a company or a society which might turn out to be of a character not sound or desirable. He begged to move the Amendment standing in his name.

Amendment moved—

"In page 19, line 32, to leave out the words 'give guarantees or,' and after the second word 'or,' to insert the words 'guarantee or make.'"—(*Lord Zouche of Haryngworth.*)

VISCOUNT ST. ALDWYN hoped His Majesty's Government would give some consideration to the Amendment of the noble Lord. These clauses, he believed, were really essential to the working of the Bill, because without some assistance from co-operation in some form or other, he very much doubted whether small holdings could really hope to be a success. Therefore, he did not at all wish to object to the principle of the clause in any way, although he was bound to say it seemed to him rather a dangerous proposition for a county council to enter upon credit banking, which was an extension of the ordinary duties of a council scarcely contemplated by the Act which constituted those bodies. But of course the whole thing was subject to good sense and wishes of the county councils themselves, and one must hope that they would not go beyond the proper point in their philanthropic efforts to benefit small holdings. He thought the noble Lord had raised a point of some importance, if he rightly understood the wording of the clause. It surely would be a mistake that county councils should be allowed to guarantee any of these societies. That they should give advances to the societies was quite another matter, but that they should guarantee their stability, permanence, and solvency might lead to very dangerous misconceptions on the part of the public, and possibly involve the county councils in considerable liabilities. He hoped the Government would consider whether some safeguard might not be found against those dangers.

LORD BELPER said that this was a totally novel power given to county councils. He did not wish, for that reason, to oppose it, but it was perfectly clear that if the power was unlimited, as it was now, it depended very much upon what discretion the Local Government Board exercised with regard to giving their consent, and with regard to the regulations which they might make. The amount that the county council might subscribe or guarantee was perfectly unlimited. So far as he could see, there was no condition with regard to the society—whether it was a *bona-fide* society or whether it was managed in such a manner as to make its funds secure. Although the power given to the county council was an optional one, their Lordships should remember that although there might be a perfectly good financial control in the case of those councils where there was a strong feeling in favour of economy, and where they looked very closely into the expenses of the council, yet in those councils—although he did not know that he could name any—that were most slack, and where there might be some inducements to do a "job," there would be a fear that they might be spending the money of the ratepayers for purposes for which at all events their money was not properly secured, and where there might be some risk of their suffering a loss. He would like to know what it was proposed that the Local Government Board should do in this matter. Were they going to inquire which of these societies were perfectly good, *bona-fide* societies, and managed in a proper financial manner? Were they going to do that, and be the security to prevent the county councils subscribing to those which were not so managed? Were they going to make regulations with regard to the amount that might be given by the county council for this purpose, and the conditions under which it was given? He thought if they passed a clause of this sort as wide as it was now it would depend very much on the way the discretion was exercised by the Local Government Board whether it was desirable that the county council should have these powers or not. He had no fear with regard to his own council. He himself happened to be chairman of the Finance Committee, and he knew that the other members of that committee would watch very jealously over any expenditure of money for a perfectly novel purpose, and where there might be any chance of loss. But there might be some cases in which members of the county council who were interested in one of these societies, and anxious to keep it on its legs, might get a grant or a security by the county council for these purposes, and in such cases it would be very undesirable that the county council should pay any of the public funds for the purpose of bolstering up a private co-operative society. He wished it to be perfectly understood that he entirely approved of the work that the good co-operative societies were doing, and no doubt the Agricultural Organisation Society was an extremely valuable body to farmers—not only to small holders, but to other farmers as well, and, therefore, as far as his sympathy went, it was entirely in favour of the county councils being able to help these societies, but the proposal was a somewhat novel one, and it was rather a dangerous step to take without any limitation being put into the Act of Parliament.

THE LORD CHANCELLOR: I do not suppose there is really much difference of opinion as to what ought to be aimed at. As I understand, it is not disputed that there ought to be every facility for making grants and advances to these societies, and also guarantees for those grants or advances.

THE EARL OF WEMYSS asked if there was any precedent.

THE LORD CHANCELLOR: I must confess I have not searched for a precedent. I am sorry I have not done so, and I am also sorry if the noble Lord does not agree with me. I think the general sense of the Committee is that there should be power to make grants and advances, and also to give guarantees for the advances, but it is apprehended that the term "guarantee," if left in the air, so to speak, may import a right to guarantee the solvency of the society, come what will and do what they please. Now I am sure that that sense is much wider than is contemplated by the Bill, and I would suggest that we should consider, between now and the next stage of the Bill, whether any limitation can be placed on the wording of the Bill, so as to prevent the possibility of its being treated as a perfectly wide and definite guarantee of the solvency of the society in all its transactions.

VISCOUNT ST. ALDWYN asked whether the noble Lord would undertake to bring up words on Report to meet the point.

THE LORD CHANCELLOR: We will consider it with the desire of preventing the power being liable to the abuse indicated by the noble Viscount.

LORD ZOUCHE OF HARYNGWORTH said that after what had fallen from the noble and learned Lord, he would beg to be allowed to withdraw his Amendment.

Amendment, by leave, withdrawn.

On the Question, "That the clause stand part of the Bill,"

THE EARL OF WEMYSS said that it was of no use his moving the omission of the clause, because everybody seemed in favour of it. He would read the last proviso—

> "The Board, with the consent of the Treasury, may out of the small holdings account make grants upon such terms as the Board may determine, to any society having as its object or one of its objects the promotion of co-operation in connection with the cultivation of small holdings or allotments."

When his noble friend the Lord Chancellor was speaking just now, he had ventured to ask him if he knew of any precedent, and he had replied that he was not aware of any. Here was a new novelty, introduced into legislation for the first time, and when such a seedling was once planted, it was surprising how quickly it would grow. However, nobody would vote with him, so it was no use to trouble their Lordships to go into the Lobby. He was glad of the opportunity of entering his solemn protest against the principle involved in this clause—that public money was to be granted at the will of the Board, with the consent of the Treasury, to help and sustain co-operative societies which were to find food or other things wanted for the people. Why not carry it a little further and fix the price as well? That would not be more unreasonable than the other proceeding, and ultimately they would be bound to do so. The next thing would be a Bill to fix prices, and if nobody else would bring in that Bill he would probably have to do it himself. That was the principle of this legislation, and he solemnly entered his protest against it as being contrary to all proper principles, and especially in the present case, where by establishing these small holdings they were revolutionising property, and handing it over to those who were such weaklings that they were obliged to give money to associations to feed them and keep them going. That was the whole story.

LORD BELPER said he did not want to prolong the debate, but the Lord Chancellor had given him no answer to the questions which he asked with regard to how the Local Government Board proposed to exercise their powers, and whether they proposd to inquire into the stability of these societies, and to forbid the paying of money to them unless they found they were substantial bodies which could be safely contributed to by county councils. He would like also to ask a question with regard to the first subsection of the clause—as to whether the words "assist societies on a co-operative basis" meant giving funds, or if not, what was the meaning of the word "assist"? He did not rightly gather what was the intention of the Bill with regard to this. He took it that the second clause was meant to meet cases where funds were contributed, or a guarantee given, by the county council, but would the word "assist" enable the county council to do anything in the way of giving funds? because if it would, that subsection was not governed or limited by the regulations which were made by the Local Government Board, or by the consent of the Local Government Board. He would like to know what the distinction between those two clauses was, and whether in any case the county council would be enabled to give funds without even the consent of the Local Government Board.

THE LORD CHANCELLOR: No doubt it would include moral assistance—advice and so forth. So far as pecuniary assistance is concerned, I think that where Subsection (2) was present in the Bill the pecuniary assistance would be governed by the limitations contained in Subsection (2). Then the noble Lord asks what the limitations are. That depends upon what regulations are made by the Local Government Board. They make regulations and conditions according to their sense of business and their sense of prudence. Of course I cannot foretell what the regulations will be, but with regard to the question whether they will be so made as to enable the county council to guarantee the solvency of an insolvent society, I have already indicated in regard to the Amendment of the noble Lord that I think it would be desirable to place some limitation in order to prevent the abuse of facilities which under the present reading of the section may be too loosely phrased.

LORD BELPER was very much obliged for the answer of the noble and learned Lord, but he thought that it only proved that the clause required re-drafting, because, although it was quite clear that under the second section the county council might contribute money, it was not clear that they could only do so under the regulations and with the consent of the Local Government Board, and in the first subsection it was clear that they could do it without such regulations or consent. Therefore it seemed to him that the clause was not one which could be safely made use of.

Clause 39, as amended, agreed to.

Clauses 40, 41, and 42 agreed to.

Clause 43 :—

Lord ROBERTSON moved to insert the words "and subject to the provisions of Subsection (2) of this section." He said the Amendment related to the important subject of arbitration, and he could not think that that was a controversial subject. The point was this. The first subsection of Section 43 purported to refer all questions requiring arbitration to a single arbitrator, in accordance with the Agricultural Holdings Acts, 1883 to 1906. For the purpose of what he had to say it might be taken that that meant that the arbitrator should be appointed by the Board of Agriculture. He suggested that it was inappropriate, and perhaps unseemly, that the Board of Agriculture should have the authority to appoint an arbitrator where it was really their promoting and stimulating influence in the movement which gave rise to the arbitration. Their Lordships would observe that when they came to the second subsection a consciousness of that seemed to animate the draftsman, because that subsection said—

> "Where an Order has been made and confirmed authorising the compulsory acquisition of land by the Commissioners acting in default of a county council, the arbitrator or valuer, as the case may be, shall be appointed by the Lord Chief-Justice of England instead of by the Board."

The reason there was this delicacy in the second subsection was merely that the Board of Agriculture had naturally confirmed the Order of the county council, under which the arbitration arose, and he did not think he was going too far in saying that it would be a downright scandal that in a case of that kind the Board of Agriculture should appoint the arbitrator. But then exactly the same considerations applied when they remembered that in all the other proceedings under this Act the people who took the initiative were the Commissioners—with regard to whom the President of the Board of Agriculture was so proud to acknowledge that they were his officers—that it seemed, therefore, a little pedantic to suggest that a distinction could be drawn, when they were in the region of equity and fair play, between the case of arbitration set afoot where the Commissioners, who were the officers of the noble Earl, were in play, and the case where the noble Earl himself had actually to set the seal to the transaction out of which the arbitration arose. That, in short, was his case, and he appealed to the noble and learned Lord as to whether he had not made out a case for amendment. His Amendment, put in a short sentence, was this—let the arbitration in all cases be by agreement between the parties, or, failing that, by nomination of the Lord Chief Justice.

Amendment moved—

"In page 20, line 33, after the word 'Act,' to insert the words 'and subject to the provisions of Sub-section (2) of this section.'"

"In page 20, lines 36 and 37, to leave out the words 'an order has been made and confirmed authorising the compulsory acquisition of lands by.'"

"In page 20, line 37, to leave out the word 'acting,' and to insert the word 'act.'"

"In page 20, lines 38 and 39, to leave out the words 'the arbitrator or valuer, as the case may be, shall be,' and to insert the words 'all questions referred to the decision of an arbitrator under this Act shall be determined by an arbitrator agreed upon between the parties, or in default of agreement.'"—(*Lord Robertson.*)

The LORD CHANCELLOR: The fact is that it was not the draftsman, but the House of Commons that inserted "the Lord Chief Justice" in this particular case. Originally, I believe, the Bill was drawn so that the Board of Agriculture appointed the arbitrator in all cases. Then it was pointed out that in some cases they might be said to be interested, and accordingly the Lord Chief Justice was put in. Of course the interest of the Board was in some sense technical, but I understand the sensitiveness of the noble Lord, and I share that sensitiveness—that wherever in any way the Board can be treated or considered as being parties, they ought not to be the persons to appoint the arbitrator. I think that, as the Bill is now drawn, where they are in any real sense at all interested, the Lord Chief Justice appoints. This Amendment was not upon the original Paper of Amendments, and I will look into the framework of the Bill, if I may be allowed, and see whether it can properly be said that the Board are themselves parties in any cases beyond those provided for in Subsection (2). I will do that if that will suit my noble and learned friend.

LORD ROBERTSON said that he would not have addressed the House unless he had first carefully looked into the matter. That he had done, and had found, on adequate information, that there were cases—and he would give an instance—in which the Board of Agriculture were interested. The Commissioners had power to take land compulsorily, and there might be disputes arising out of that between the Commissioners or the Board of Agriculture and other parties. That was a case were arbitrators were wanted, and that was a case which did not fall under Subsection (2), but which did fall under Subsection (1).

THE LORD CHANCELLOR: If I may look into it before the next stage of the Bill, I hope to be able to give a more satisfactory answer.

Amendment, by leave, withdrawn.

VISCOUNT ST. ALDWYN asked the noble and learned Lord also to look into the point raised by an Amendment which he had upon the Paper a little lower down, which covered really the same point. At line 40, after the word "Board," he proposed to insert—

> "And where an Order authorises the compulsory hiring of land by the Commissioners acting in default of a county council, the terms and conditions of the hiring shall, subject to the provisions mentioned in Paragraph (2) of Part II. of the first schedule to this Act, be determined in default of agreement by the arbitrator appointed under this sub-section."

The point was this: that under Part II. of the first schedule, in the case of compulsory hiring by the Board of Agriculture or the Commissioners in default of the county council, the Board would by order settle the terms and conditions of the hiring, which was a matter of the greatest importance, obviously, in face of the fact that the Government insisted upon the hiring being practically perpetual, and there would be no appeal from their decision as to the terms and conditions of the hiring. The rent, of course, was one thing, but the terms and conditions of the hiring were another, and might be really quite as important as the rent. It would not be fair or equitable that in such a case where the Commissioners and the Board of Agriculture were acting on one side they should absolutely settle the terms and conditions of the hiring for the other side. He ventured to say that no such case was known to the law. Wherever there were two parties to a bargain there was either agreement, or, in default of agreement, arbitration, and there ought to be some provision that in such a case they should go to arbitration, and that the arbitrator should be appointed by the Lord Chief Justice of England.

THE LORD CHANCELLOR: It seems to me that these cases are not on the same footing.

VISCOUNT ST. ALDWYN said that in that case he had better perhaps move his Amendment at the proper time.

THE EARL OF PLYMOUTH moved an Amendment to provide that the arbitrator or valuer, "in default of agreement between the parties," should be appointed by the Lord Chief Justice instead of by the Board. This was only a drafting Amendment. The words he suggested were sure to come in in some form or another, because an arbitrator was not wanted, of course, if the parties agreed.

Amendment moved—

> "In page 20, line 39, after the word 'appointed,' to insert the words 'in default of agreement between the parties.'"—(*The Earl of Plymouth.*)

THE LORD CHANCELLOR: I think it is only verbal.

On Question, Amendment agreed to.

VISCOUNT ST. ALDWYN moved to insert in the subsection providing for the appointment of the arbitrator or valuer, as the case might be, by the Lord Chief Justice the following words: "And where an order authorises the compulsory hiring of land by the Commissioners acting in default of a county council, the terms and conditions of the hiring shall, subject to the provisions mentioned in Paragraph (2) of Part II. of the first schedule to this Act, be determined in default of agreement by the arbitrator appointed under this subsection." He said that he had already made all the observations which he desired to make to their Lordships, and he would not detain them further. Perhaps the noble and learned Lord (the Lord Chancellor) would state his views on the Amendment. He begged to move.

Amendment moved—

"In page 20, line 40, after the word 'Board' to insert the words 'and where an Order authorises the compulsory hiring of land by the Commissioners acting in default of a county council, the terms and conditions of the hiring shall, subject to the provisions mentioned in Paragraph (2) of Part II. of the First Schedule to this Act, be determined in default of agreement by the arbitrator appointed under this sub-section.'"—(*Viscount St. Aldwyn.*)

THE LORD CHANCELLOR: It is certainly novel as far as this Bill is concerned, and of course the Bill itself is in many respects novel. It is one of a triology of Bills, of which one has been unfortunate, and I hope the other two will be more prosperous, but no doubt they all have novelty in them. It seems to me that it would be unfortunate that the "terms and conditions of the hiring" should be determined by an arbitrator appointed by the Lord Chief Justice instead of by the order itself. The purpose of the Bill is to leave the administrative scheme, for this is an Act of administration, to an administrative board; and I think it would not only be contrary to the scheme but introduce more complication into that which is sufficiently complicated already if there was an arbitration, not as to values, nor as to rent, but as to "terms and conditions." I cannot help thinking that it would be a perfectly different thing from the comparatively simple mechanism—I do not care to call it simple, but the comparatively simple mechanism—of the Bill if the "terms and conditions of the hiring" were to be made the subject of arbitration; they might be the subject of endless and costly inquiry.

VISCOUNT ST. ALDWYN said he hardly knew what to do, because he really did not want to put the House to the trouble of a division, yet the matter was of real importance. There was arbitration in any case for compulsory purchase, and practically he thought satisfactory arbitration, although of course there might be points of detail which required notice. But if the Board of Agriculture, in a case in which they were parties to the dispute, so to speak, were to settle for themselves the "terms and conditions of the hiring," subject to the provisions of the schedule empowering them to make a man rent his land practically on any conditions they liked, was that really fair? There were, of course, matters dealt with in the schedule which were to be dealt with in the agreement; but it was not, and it could not be, laid down in the schedule precisely how those matters should be dealt with. He did not say that the particular proposal to refer it to arbitration was the best one—indeed, he quite saw that there might be a difficulty—but he thought the matter was one which ought to be considered by His Majesty's Government.

LORD FITZMAURICE thought their Lordships would all agree with the noble Viscount that this was a very important matter. He hoped the noble Viscount would not think that what had been said by his noble and learned friend (the Lord Chancellor) was at all an off-hand answer given merely on the spur of the moment. That, he need hardly say, would under no circumstances be able to be said of any answer given by him, because he always addressed the House with such great care and therefore with such great authority. But this, as the noble Viscount had said, was really very important, and those who had framed the Bill had considered it from the beginning, and had arrived at a well-considered conclusion. The noble Viscount himself acknowledged that there might be some slight connection with previous points raised, but this was a far larger point. The question really was whether all those matters which were dealt with in Part II. of the Schedule, par. 2, referred to the framework of the Order itself—at any rate some of them—or whether practically all of them were to be referred to the machinery laid down in Part II. where it was decided that they were to be dealt with in the terms of the Order itself, leaving the question of rent, and rent alone, to be determined by a valuer. All those facts were to be dealt with by an arbitrator appointed as the case might be in the manner determined in Subsection (2). That would be an enormous change in the Bill, and he could assure the noble Viscount that it had been carefully considered, and it was really not a point on which the Government felt that they could give way.

The LORD CHANCELLOR: May I say one word which I omitted on the point of fair play? It is true the terms and conditions would have to be fixed by the Order, and they may be increased or not, but they are administration matters to fix. If they are onerous the rent has to be fixed in relation to them, and, accordingly, the landlord will be paid having regard to the terms and conditions.

Viscount St. ALDWYN asked if the noble and learned Lord would agree to the insertion of some words in the schedule making that clear. That would have a double effect. It might be fair compensation to the landlord for onerous conditions, and it also might deter the Board of Agriculture from placing onerous conditions in the agreement.

The LORD CHANCELLOR: I think it is, when we come to the schedule.

Viscount St. ALDWYN: Then I beg to withdraw.

Amendment, by leave withdrawn.

Clause 43, as amended, agreed to.

Clauses 44 and 45 agreed to.

Clause 46:—

Earl CARRINGTON: This Amendment makes it clear that the redemption money is to be treated as part of the cost of acquisition. I move.

Amendment moved—

"In page 21, line 30, after the word 'council' to insert the following new subsection:—'(3) For the purposes of the Small Holdings Act, 1892, the Allotments Acts, and this Act, any expenses incurred by a council in the enfranchisement of any land acquired by them for small holdings, or allotments, or in the purchase or redemption of land tax, or any quit rent, chief rent, tithe, or other rentcharge, or other perpetual annual sum issuing out of land so acquired, shall be deemed to have been incurred in the purchase of the land.' "—(*Earl Carrington.*)

On Question, Amendment agreed to.

Earl CARRINGTON, in moving a new subsection, said this subsection enabled all notices required to be sent legally by post; they need not legally be served personally. Notices of withdrawal to the county council within six months and notices of renewal under Section 27 need not be served personally, but may be sent by post. Section 26 of the Interpretation Act gives the proper procedure. I move.

Amendment moved—

"In page 21, line 36, after the word 'parish" to insert the following new subsection:—'(4) Any notice required by this Act to be served or given may be sent by post.' "—(*Earl Carrington.*)

On Question, Amendment agreed to.

Clause 46, as amended, agreed to.

Clause 47 agreed to.

First Schedule:—

Lord ROBERTSON said he had one or two comments to make on the schedule, and perhaps the Lord Chancellor would give him his attention as the matter was highly technical. He wanted to put his objection plainly. He suspected the schedule of being directed towards enabling the Board to cook and edit the Lands Clauses Act and to leave out such parts as in their mature and, as they had seen, infallible judgment were too drastic. He desired, on behalf of his noble friends on that side of the House so far as he could speak for them, to have the whole benefits of the Lands Clauses Act in this case as in all the other cases to which Parliament had directed that statute. The first instance where his suspicions were aroused was in Clause 9. The order was to be in the prescribed form, and would incorporate, subject to the necessary adaptations, the Lands Clauses Act. He wished to know what was supposed by the Lord Chancellor to be the exact effect of that, and how far it gave discretion to the Board and its Commissioners to alter the Lands Clauses Act. That was the plain English of it. They did not desire that there should be any relaxation in favour even of the noble Earl at the head of the Board of Agriculture of those clauses which had been found just and equitable in the general administration of affairs. There was another instance, to which a subsequent Amendment of his referred, where there was some nice language used as to the standard adaptation which the Board considered necessary or expedient for the purpose. He wanted something a little more stringent than that. This might be the last occasion on which he would address their Lordships on this stage of the Bill, and he therefore desired to pay his ultimate and final salaam to the noble Earl at the head of the Board of Agriculture, though, perhaps, the least appropriate place for this was the schedule. At the same time, however, he was not going to give way on any interests which were substantial.

Amendment moved—

"In page 23, first schedule, line 9, to leave out the words 'subject to the necessary adaptations.'"—(*Lord Robertson.*)

THE LORD CHANCELLOR: I assent to the proposition that if compliments are to be passed the schedule is about the last place where they should find expression. Really I think I may allay the apprehension of the noble Lord. The language which appears ominous in his mind is: "The order shall incorporate, subject to the necessary adaptations, the Lands Clauses Acts." If the words he proposes to leave out were omitted, the enactment would be that the order shall incorporate the Lands Clauses Acts without anything more; they would be incorporated quite bodily. That would have effects which I do not think he contemplates, because, as he is aware, the Lands Clauses Acts provide for various alternative methods of determining value or matters of difference. They provide for a jury, or two arbitrators and an umpire, or for a single arbitrator. The object of this Bill is that there shall be a single arbitrator. Accordingly, if we bluntly and nakedly incorporated the Lands Clauses Act we should not only have a single arbitrator, but we should also have the option of a jury or two arbitrators and an umpire. These mysterious words which have so perturbed my noble friend's mind merely mean that the adaptations necessary shall be made to provide that there shall not be either a jury or two arbitrators and an umpire. The word "adaptations" is used, not "modifications." "Modifications" would be alterations. The only modifications will be those expressly specified in the schedule.

LORD ROBERTSON thought the explanations given were satisfactory, but he considered it was well they should have been made. They would allay some suspicions which had been prevalent.

Amendment, by leave, withdrawn.

LORD CLINTON moved to insert after the word "arbitration," the words "agreed upon between the parties, or in default of agreement." When he moved an Amendment somewhat to the same effect at an earlier stage in the Bill he withdrew it, but not because he was convinced, if he might say so with the utmost respect, by the reply which the noble and learned Lord gave him. He accepted that reply partly because the question at that moment was not of the first importance, and partly because he was exceedingly anxious not to do anything which under that particular clause might add to the expenses of carrying out the measure. He believed, however, that the arguments he then used applied with equal or even greater force to the case under this schedule. Under the schedule they altered the system of arbitration to which they had been accustomed on a matter which was of far greater importance than that they had discussed before. It was of greater importance because the issues involved were much greater. It was not merely a question of rent, but it was a question of all the provisions that the Board might prescribe for the purpose of carrying into effect the order for the compulsory acquisition of land. His Majesty's Government proposed that the Lands Clauses Acts and certain sections of the Railways Consolidation Clauses Act, 1845, should be modified so that all questions of disputed compensation should be decided before a single arbitrator appointed by the Board. On the face of it, he did not see any possible reason why the ordinary methods of arbitration, in which both parties to the dispute had some power in the choice of the arbitrator, should not be employed here. In this particular instance, the alteration he proposed would not increase the cost of the Bill in any way. It was not the substitution, as it was before, of arbitration for valuation. It was merely that both parties to the dispute should have a voice in the selection of the arbitrator. It appeared to him that in this instance the Board of Agriculture were a particularly unwholesome sort of men. There was no appeal whatever from their decision. He could not understand why the parties should not have a choice, and, although they had been asked on many occasions whilst the Bill had been under discussion to trust the Board of Agriculture, he was certainly not inclined to trust them or anybody to place a value upon his land when he knew they were exceedingly anxious to obtain it. As a matter of fact, it was their duty to obtain the land at the lowest possible price. He thought their Lordships would decide that it should be distinctly stated in the schedule that the arbitrator should be appointed by the parties or, failing an agreement, by the Board of Agriculture. He moved.

Amendment moved—

"In page 23, first schedule, line 12, after the word 'arbitration' to insert the words 'agreed upon between the parties, or, in default of agreement.'"—(*Lord Clinton.*)

The LORD CHANCELLOR: Nothing sounds more reasonable, if I may say so, than that the parties might be allowed themselves to agree upon the person who is to solve the dispute between them, but the only objection to it is that the Treasury are the people who pay for the cost of the arbitration, and there is an old familiar adage that those who do not pay the piper are not the persons to call the tune. The piper is paid in this instance by the Treasury, and it might be, if the parties appointed an arbitrator, that they agreed upon some great personage—there are great personages who discharge the duties of arbitrators and expect other people to pay for it. That I am told is the sole reason. There is nothing behind it that I know of.

Viscount St. ALDWYN said that with all deference to the noble and learned Lord he could not think it was sufficient reason. He had not been able to put his hand upon them, but he believed there were provisions in the Bill by which the Treasury was to fix the fees of the arbitrators appointed. The Treasury, of course, would fix a scale of fees, and the arbitrator would have to accept them, even if he was an arbitrator agreed upon between the parties. If he would not accept those fees, all that would happen was that they would have to seek another arbitrator. Why in the world should not the parties be allowed to choose the arbitrator themselves? If the county council of his own county were anxious to take his land, he knew the man the county council would accept, and whom he would readily accept. He was certain he did. It would be the case in most instances. He could not see any objection to the provision.

Lord CLINTON said he was not quite convinced by the noble and learned Lord's reply. They had no objection to the Treasury paying for their arbitrator; they were quite willing to accept payment from the Treasury, but he could not see why the Treasury should object to an arbitrator appointed by either of the parties. If the reason given was the only one for not altering the words as he had suggested, he thought the noble Earl, the President of the

Board of Agriculture, might very easily give way. It could not affect the purpose of the Bill, and it would satisfy a very large number of people particularly interested in the subject.

On Question, Amendment agreed to.

LORD KENYON moved to leave out in Subsection 5 the words—

"And shall take into consideration the rent, if any, at which the land has been let, and the annual value at which the land is assessed for the purposes of rating."

The words, he believed, had not been usually inserted in any clause dealing with the value of land compulsorily purchased. The history of the words was interesting. They were not originally in the schedule, but they were introduced by a Member of the House of Commons in Committee, and Mr. Harcourt said he did not think they were any use, but he thought they could not do any harm. He quite agreed that they were not of any use, but he totally disagreed they were not of any harm. The very people who would be hit by the sentence were those landlords who let their land at a low rent. If the low rent was taken into consideration they would get a low price for their land, whereas the people who exacted a high rent would, if that rent was taken into consideration, no doubt get a higher price for their land.

Amendment moved—

"In page 23, first schedule, to leave out from the word 'experienced' in line 33, to the word 'but:' in line 36."—(*Lord Kenyon.*)

THE LORD CHANCELLOR: I rather take the same view, I am glad to say, as my right hon. friend, Mr. Harcourt, and all that I will say to the noble Lord is that the Bill as it stands does not make these words conclusive. It does not say that it shall be conclusive. It says they shall consider these elements, and I really do not see why we should not say that they shall be considered.

VISCOUNT ST. ALDWYN said the answer was that there might be a prospective value, mineral or something of that kind, which had nothing whatever to do with the rent. It was putting forward one condition, when it was by no means the only condition.

Lord Clinton.

LORD FITZMAURICE said he would point out that the words were not exclusive. They were not in the original Bill. They were moved in the House of Commons, as an Amendment, and the Government accepted them, not thinking they made any material change. He understood that the noble Viscount by his argument pressed upon them the danger that mentioning one thing amounted to the exclusion of another. He was pressing the argument very strongly, but the information they had was that the words would not be open to that danger, and as they were placed and under the circumstances, they really thought it was just as well to leave them in. They would not do a great deal of good, but they could not do any harm.

LORD KENYON said the only other direction to the arbitrator was that he should act on his own knowledge and experience.

On Question, Amendment agreed to.

LORD KENYON moved to leave out the words—

"But shall not, except in such cases as the Board may otherwise direct, hear counsel or expert witnesses."

He quite understood that the words might have been put in in order to save expense, but he felt that under the Bill large parcels of land might have to be taken and large money transactions might ensue. Surely it was unreasonable to say that neither counsel nor expert witnesses should be heard. He would like to know what expert witnesses were in this particular case. Would, for instance, an agent who happened to be a solicitor be an expert witness? If so, the man who knew the property best might be excluded from giving evidence. Again, supposing an estate had been valued for probate or for some other reason, and the landlord, wishing to prove the value of it, called that particular valuer to give evidence, would he, being an expert witness, be thereby ruled out? He did not in the least wish to add to the expense of the inquiry, but he felt that those people who were best qualified to give evidence should be allowed to do so in cases where a large transaction might have taken place.

Amendment moved—

"In page 24, line 1, to leave out from the word 'witnesses' to the end of Paragraph 5."—(*Lord Kenyon.*)

THE LORD CHANCELLOR: An "expert witness" is not a term which permits of strict legal definition, but it is generally understood, and I think a good many of us have a fair acquaintance with the meaning of the words. I have not a word to say against the many excellent and very able men who appear before this and the other House, and before arbitrators on questions of compensation, but they are multiplied often in hearings, and I am quite certain, as everyone knows, that they are a very great source of expense. They are very expensive witnesses, and they are often multiplied to two or three or even four, and all differ. I think all these things are very well known to your Lordships. I need hardly say I have nothing to say against counsel. I have been one myself, and I am now a member of the Bar, but counsel would import the aspect of a regular litigation into the proceedings, and one of the most expensive kinds of litigation, viz., litigation in regard to value before a tribunal hearing expert witnesses. I ought to say—and I am sure your Lordships will all feel it—that, if that kind of process is applied to this Bill it will not do what we all want it to do—produce a real effect in the rural parts of England. It will wreck, it will choke the Bill absolutely if we have this. The noble Lord said with justice that there might be large properties taken for this purpose. I suppose there may be undoubtedly in some cases. If so, the Board may make an exception and state that counsel and expert witnesses shall be heard in any particular case if they think fit. It seems to me it is best to leave it elastic in that way, and to assume that the Board of Agriculture will be sensibly managed.

LORD KENYON asked if the noble and learned Lord would assure him that his agent, who happened to be a solicitor, would not be deemed an expert witness.

THE LORD CHANCELLOR: I think it is perfectly clear that a solicitor proving facts would never be treated as an expert witness.

Amendment, by leave, withdrawn.

VISCOUNT ST. ALDWYN said they ought to try and make the schedule reasonably perfect, especially after the view expressed by His Majesty's Government as to the Board of Agriculture inserting in the Order the terms and conditions of the hiring without arbitration against it. His proposal was to insert in the schedule what was invariably inserted in every lease that he had heard of, viz.—

"The tenant shall pay all taxes, rates, and charges usually borne by tenants, and insure the buildings."

There was nothing in the schedule at present to carry that out.

Amendment moved—

"In page 24, first schedule, line 35, after the word 'to' to insert the words 'pay all taxes, rates and charges usually borne by tenants, to insure the buildings to.'"—(*Viscount St. Aldwyn.*)

THE LORD CHANCELLOR: The proposal is that every Order shall provide for the council to insure and pay all taxes, rates, and charges usually borne by the tenants. No doubt that would be the ordinary course, but it might be that it would be advisable in exceptional cases that that should not be the course. If so, it is quite obvious the rent would have to be made higher in proportion. It is quite obvious that either in meal or in malt the thing must be paid. Who pays the rates will, of course, be the very first consideration in fixing the rent. It seems to me that it does not matter one way or the other, except that it is better to leave it a matter of discussion. It is obvious the landlord would not be prejudiced by the scheme of such a covenant, because the rent is to be fixed in view of the terms and conditions.

VISCOUNT ST. ALDWYN said it was invariably the case that the tenant paid the taxes, rates, and charges, and, that being so, why should it not be inserted in the schedule just like the other conditions?

The LORD CHANCELLOR: I will not make any difficulty about it. There may be some unknown difficulty to me.

On Question, Amendment agreed to.

Viscount St. ALDWYN said he wished also to move to insert the words "and premises demised." These words also appeared in tenants' covenants.

Amendment moved—

"In page 24, line 36, after the word 'buildings' to insert the words 'and premises demised.'"—(*Viscount St. Aldwyn.*)

The LORD CHANCELLOR: There may be some objection which I do not appreciate at the moment, but if it is put in we will see to it.

On Question, Amendment agreed to.

Viscount St. ALDWYN said his next Amendment raised the question of sporting rights. The landlord might desire to reserve the sporting rights over the land hired by the county council or the Board of Agriculture. If he should so desire, surely he ought to be allowed to reserve them. The sporting rights might, so far as game was concerned, be of very small value in the case of small holdings, but so far as fishing was concerned, they might be of very great value indeed, and he did not see that it would be any good to anybody that such rights should be taken away from the landlord by the county council. There was a precedent for his Amendment in Irish legislation in the case where land was sold. Here the land was only hired, possibly for fourteen years, and it might seriously affect the sporting rights over the rest of the property if the landlord could not reserve them over that part of the property which was compulsorily hired. He hoped the noble Lord would not object to the Amendment.

Amendment moved —

"In page 24, line 40, after the word 'aforesaid' to insert the words 'and shall, if the landlord has given notice in the prescribed manner that he so desires, provide for the reservation to him, and persons authorised by him, of exclusive rights of sporting and fishing over the land.'"—(*Viscount St. Aldwyn.*)

Earl CARRINGTON: I should be the last person in the world to try and stop any amusement or sport in the country. In most cases no doubt it would be expedient to allow the landlord, if he wished it, to reserve his sporting rights, but I must ask the House to leave this question open as one of the terms and conditions of hiring which ought to be settled according to the circumstances of each case. I think the House will agree that it would be an absolute obstacle in the way of market gardening if the landlord in every case had the right to keep the sporting rights. I think noble Lords will agree with me that it would be absolutely impossible for a man who had a lot of market gardens together, and I am sure landlords would not wish it, to carry on his business if they were to allow gamekeepers to trample over those market gardens looking for eggs, and to see what they could find. That must cause endless friction to those market gardeners, and I hope that the noble Lord will not press this Amendment in every case, but that he will allow the matter to be left open as one of the terms and conditions of hiring. I am sure the county council in no way would wish to curtail the pleasures of country gentlemen. There are a great many country gentlemen on county councils, and they would look after their own interests, but there are cases when it would really be a hardship on the market gardeners. It might cause endless friction, and I hope the Amendment will not be pressed.

Viscount GALWAY said the noble Lord seemed to think that every bit of land taken was going to be a market garden. He understood that some of them were to be small holdings. It was always a condition of leasing that the sporting rights were reserved, and there was nothing extraordinary in putting it in a lease to a county council.

The Earl of HAREWOOD said he would be the last to insist on any extreme sporting rights, but there might be some of their Lordships who had riparian rights and who would appreciate that if only a few yards of the river were not reserved, a great source of income and enjoyment would be taken away and considerable pecuniary damage inflicted.

THE EARL OF POWIS urged the noble Viscount to adhere to his Amendment, and pointed out that if a strip of land was taken across a valuable sporting estate for the purposes of small holdings, though he did not anticipate that it would be of very much value to the owner of the estate for sporting purposes, yet it might be turned very greatly to the detriment of that sporting estate. The smallholder might easily—he did not say he would, but there were such things done very frequently in this country—sow buckwheat all over his small holding, so that nearly all the game from the neighbouring property would congregate on it and might easily be netted or taken. He very much hoped the noble Viscount would press his Amendment.

*EARL FORTESCUE said he did not suppose anyone wished that gamekeepers should go hunting for eggs on market gardens. He thought a compromise might be effected if the right of the landlord to reserve the sporting rights were restricted to cases where the tenant was not entitled to claim compensation under the Market Gardeners Act.

On Question, Amendment agreed to.

VISCOUNT ST. ALDWYN said the Bill provided that pasture might be broken up, but that the Order should not authorise the breaking up of pasture unless the Board were satisfied that it could be done without depreciating the value of the land or that the circumstances were such that small holdings could not otherwise be successfully cultivated. He quite accepted the view that there might be circumstances in which pasture land might be taken, and where it might be necessary for the cultivation of small holdings that part of it at any rate should be broken up. Of course, there would be compensation if it were broken up, although it would be extremely difficult to compensate anybody for the breaking up of good pasture. He did not know why the words were inserted leaving it to the Board to be satisfied that it could be broken up without depreciating the value of the land. The Board was not the arbitrator in the matter. If there was an arbitrator it was considered in fixing the rent or before settling the compensation. It might affect the action of such an arbitrator, especially if he was one commonly appointed by the Board of Agriculture, if he was told that the Board had settled that the land would not be depreciated by the pasture being broken up. It was very undesirable for farming generally that good pasture should be broken up where it could be avoided, and this was not a matter which ought to be left to the Board as between the parties.

Amendment moved—

"In page 24, line 42, to leave out the words 'that it can be so broken up without depreciating the value of the land or.'"—(*Viscount St. Aldwyn.*)

EARL CARRINGTON: I quite agree that it is a terrible thing to break up pasture. It is such a serious thing to do that I venture to think the words ought to be left in, and that the Board themselves ought to be satisfied that it can be broken up without depreciating the value of the land. It is a very important thing, and I should like them to remain in for this reason. On the Crown lands there is a very large farm belonging to a Mr. Crawley. It was over 1,100 acres, and when we sent down to examine this farm we found that some of the grassland was in a terrible state. There were mole hills all over, and it had been very much neglected. That was a case where grass land might be broken up with great advantage to the farm. With this gentleman's consent, we left him 366 of the best acres of the land, his farm houses, his buildings, and all his amenities, and he has got as much land as he can conveniently do with. The rest of the 1,100 acres was given over or let to the county council, and it is all let to small holders, a certain amount of grass land having been broken up to the great advantage of the farm. I feel, with the noble Viscount, the danger that people might run in the breaking up of old pasture which, of course, would be very valuable to the tenant for some years, but I respectfully ask to be allowed to have these words left in the

Bill so that no pasture could be broken up unless the Minister for Agriculture himself is satisfied that it can be so broken up without depreciating the value of the land. It is in the interests of the landlord and the farm that those words have been inserted.

VISCOUNT ST. ALDWYN said that in opposing his Amendment the noble Earl had given an instance where part of a farm was taken away by the consent of the tenant, it being a Crown farm. It was obvious that under the provisions of the Schedule as they stood it was necessary to break up certain pasture, because otherwise small holdings could not be successfully cultivated. Such a case would not be interfered with by his Amendment. Why the Board should be the persons to decide this matter he really did not know.

On Question, Amendment agreed to.

THE EARL OF CAMPERDOWN moved to amend the clause so that it would run thus—

> "And shall not confer on the council any right 'without the consent of the landlord,' to take sell, or carry away any minerals, gravel, sand, or clay except so far as may be necessary or convenient for the purpose of erecting buildings on the land or otherwise adapting the land for small holdings or allotments."

The reason for this was, he thought, very clear. This was a question of hiring, and why should the council have any right to take for any purposes whatsoever, any minerals, gravel, sand, or clay—things which when taken from the land could not be replaced? What they hired was the use of the land for agricultural purposes, that was the surface of the land; when they proceeded to take away, he did not care whether it was for erecting buildings or for any other purpose, gravel, sand, etc., they were clearly taking away property for which the landlord had a right to receive a return in money, and it, therefore, seemed to him only fair to insert the words that these things should not be taken away without the consent of the landlord.

Amendment moved—

> "In page 25, line 2, after the word 'right' to insert the words 'without the consent of the landlord.'"—(*The Earl of Camperdown.*)

Earl Carrington.

THE LORD CHANCELLOR: I am not quite sure that I apprehend this. May I read the clause as it stands? The clause says—

> "It shall not confer on the council any right to take, sell or carry away gravel, sand or clay except so far as may be necessary or convenient for the purpose of erecting buildings on the land or otherwise adapting the land for small holdings or allotments."

I do not know whether the noble Earl proposes to leave out those words.

THE EARL OF CAMPERDOWN said Lord St. Aldwyn proposed in a subsequent Amendment to leave out those words, but apart from that he did not think they ought to have the right to take any minerals, gravel, sand or clay, without the consent of the landlord.

THE LORD CHANCELLOR: The words which the noble Viscount has an Amendment to deal with would naturally go out if the noble Lord's Amendment is accepted.

VISCOUNT ST. ALDWYN said that what he had in his mind was this, and he thought it was clear: As the words now stood, the county council or the Board of Agriculture would be able to utilise the stone, sand, or clay which the holding might produce for buildings on the land. Those things were the landlord's property, and not included in the hiring, and yet at the end of the hiring they would come upon the landlord and ask him to pay compensation for buildings erected with the very stone and clay taken out of his property. That was the effect of the Bill as it stood, and it could not be fair. He would not object to the county council being allowed to utilise anything of the kind on the holding, provided they paid compensation. That was the point. They certainly ought to pay compensation if they took it.

THE LORD CHANCELLOR: Elementary justice would require that, when you are paying a landlord rent for agricultural land for thirty-five years, you should not be entitled to take gravel, sand, clay, and so forth, for your own purpose without paying for it. If that is the effect of the Bill, I feel quite sure it must be an undesigned effect, and, if the noble Earl will allow it to stand till the next stage, we will look into it.

THE EARL OF CAMPERDOWN said he was quite willing to allow the words to stand, but he had another Amendment with regard to trees which he would like to move.

Amendment, by leave, withdrawn.

THE EARL OF CAMPERDOWN said he proposed to insert the words "fell or cut timber or trees," because there was nothing said about timber or trees in the Bill, and he thought it was desirable, as they were merely hiring land, that they should have no right to cut trees or timber or anything of that kind. All they wanted or professed to want was to hire land for agricultural purposes, and, as they knew, no ordinary tenant had any right to cut timber or trees. There was, therefore, so far as he could see, no reason why the county council or its tenants should be allowed to cut the trees.

Amendment moved—

"In page 25, line 2, after the word 'to' to insert the words 'fell or cut timber or trees, nor to.' "—(*The Earl of Camperdown.*)

THE LORD CHANCELLOR: We will consider that, if we may, as part of the previous Amendment.

THE EARL OF CAMPERDOWN said he was afraid he had a very positive opinion here. He did not know whether his noble friend was conversant with agriculture, but if he was, and if he had an equal misfortune with some of them, he must know that the cutting of timber and so on was invariably prohibited. He did not think that with regard to this matter there could be any doubt whatever, and he was therefore afraid that he must insist on his Amendment.

On Question, Amendment agreed to.

LORD CLINTON moved to leave out the word "valuation" and insert the word "arbitration," and to leave out the word "valuer" and insert the words "arbitrator agreed on between the parties or in default of agreement." The clause would then read—

"Shall in default of agreement be by arbitration by a single arbitrator agreed on between the parties or, in default of agreement, appointed by the Board."

He said he would probably be told that this was merely a question of rent, and that therefore the valuer could do the duties required of him, and that the expenses of arbitration were unnecessary. He would, however, like to remind the noble Lord that this was a rent payable for a term of possibly thirty-five years with the right of renewal for another term of thirty-five years. That was so long a period that he thought in drafting such a lease it was essential that they should at all events have a right to see that the amount of the rent was not left merely to the assessment of an ordinary valuer. There were other questions that might arise as to the value of the land which might not be apparent at the time of letting, but which might evolve during the period of the lease. There might be, for instance a development of a town nearly up to the place taken in the lease. That naturally would cause a large increase in the agricultural value of the land taken. It was a matter on which evidence, and probably sworn evidence, ought to be taken and it was a perfectly fitting case for arbitration. The matter of cost need not be considered, because the Treasury were prepared in certain instances to pay the costs, as the noble Lord had told them.

Amendment moved—

"In page 25, line 16, to leave out the words 'valuation' and 'valuer' and to insert the words 'arbitrator agreed on between the parties, or, in default of agreement.' "—(*Lord Clinton.*)

THE LORD CHANCELLOR: I am not going to say, as the noble Lord has apprehended, that it is a mere question of rent, because the first term is not merely a question of rent. The first term, as will appear in the Schedule, refers to the amount of rent, and also to compensation, and I quite agree that it is a different point. The ground upon which I should deprecate, and do deprecate, the Amendment, is that if you have a scheme which you want to work (but which really cannot work if it is overloaded) and if you have got a valuer who is fairly appointed, or, if he is not fairly appointed, then, providing he shall be fairly appointed, I would say leave it to him to settle the amount of rent. I do not think there is any real risk to any interest concerned in it, but otherwise I am afraid that by departing from the comparative simplicity of the scheme as it is presented to the House you will run the risk of making the scheme unworkable. That is the real and sole reason. It is a balance of disadvantages. If the noble Lord takes the one view, I hope I may be allowed to take the other. It is better to run a little risk which will be inappreciable than to take the heavy risk of overloading the Bill.

LORD CLINTON said the question of overloading appeared to him to be only one of cost, and he thought it was obvious that there were things of a great deal more importance than costs. It was necessary that they should have confidence in the tribunal appointed, and it was exceedingly important that they should know that the rent for the land for a very long period during which the owner was deprived of his rights of ownership would be essentially fair. There was another question which he would like to ask. What were the exact legal rights of a valuer? He had no doubt the noble Lord would correct him if he was wrong, but, so far as he knew, those rights were not defined in any Act of Parliament. The valuer would be simply a paid servant of the Board of Agriculture and would do exactly as the Board told him. There was no legal *status* about a valuer.

THE LORD CHANCELLOR: It is perfectly certain that no Act of Parliament defines the position of a valuer, but I certainly do not think it is the case that he will do what he is told by the Board of Agriculture. If you were to get the Board of Agriculture to tell him something wrong, I am sure he would not do it. The man would do his duty. The risk is that he might make a mistake, but it is quite certain that under the Bill honourable valuers will be appointed. The only danger is the danger of an error of judgment on their part. I have often observed myself, if you have had a tremendous litigation about values, you come to pretty much the same thing as one sensible man told you before the litigation commenced.

VISCOUNT ST. ALDWYN pointed out that the owner was not the only person to be considered. The tenant also had to be considered. It might make all the difference to him whether he was able to remain on the farm or not. What was done in this Order? The farm might be so cut up that he had practically to leave it. It might be entirely taken away from him. If that happened by the action of his landlord under the Agricultural Holdings Act, he would be entitled by law to an arbitrator. Everything went to an arbitrator under that Act. Where this was done in the case as between tenant and county council instead of as between tenant and landlord, should not the tenant have the same protection as was given him under the Agricultural Holdings Act?

THE EARL OF CAMPERDOWN pointed out that in Part 1 of this very schedule an arbitrator was appointed, and he had to consider questions of compensation, and so on. If an arbitrator was necessary for that purpose, why did they draw the line and say an arbitrator must not be appointed under Part II?

THE LORD CHANCELLOR: If the noble Earl looks he will find that part of the schedule which provides for an arbitrator is the part which provides for purchase under the Lands Clauses Acts.

THE EARL OF CAMPERDOWN: Certainly.

THE LORD CHANCELLOR: When you purchase you have an arbitration. It is, of course, a more expensive proceeding.

THE EARL OF CAMPERDOWN: It is not only purchase, it is acquisition.

The LORD CHANCELLOR: Acquisition of the fee simple of the land.

The Earl of CAMPERDOWN: Oh, no, purchase or hiring.

The LORD CHANCELLOR: No, if the noble Earl will excuse me. In the case of hiring the valuer is appropriate, as the arbitrator is appropriate to the purchase. That is the scheme of the Bill. I make no concealment of it, but it is entirely owing to the desire to make the thing cheap and simple and to make it work.

Lord KENYON said that, so far as the owner of the holding was concerned, the question of compulsory hiring or purchase did not make much difference. He practically parted with all his interest in the holding when it was hired just as much as when it was purchased.

On Question, Amendment agreed to.

Amendment moved—

"In page 25, line 18, to leave out the word 'valuer' and to insert the word 'arbitrator.'"—(*Lord Clinton.*)

On Question, Amendment agreed to.

Lord St. ALDWYN said that in another part of the Bill the annual value at which the land was assessed was not settled as for the purposes of rating or taxation but for the purposes of income tax. It would surely be better that the same value should be taken in both places, and he would propose, instead of the words "rating or taxation," that they should insert the words "income tax.' That was generally a much better value as everybody who was familiar with the rating system knew.

Amendment moved—

"In page 25, line 21, to leave out the words 'rating or taxation' and insert the words 'income-tax.'"—(*Lord St. Aldwyn.*)

The LORD CHANCELLOR: Unless there is some objection I do not know of, I do not think we need oppose the Amendment. I should have thought that it was very much the same thing. The assessment for the income-tax is usually a very fair one, but there may be some reason unknown to me why it should not be taken.

On Question, Amendment agreed to.

Viscount St. ALDWYN said that in dealing with the previous clause he understood that the noble Lord agreed that anything onerous in the terms and conditions of agreement might be made the subject of consideration in the amount of rent that would have to be settled by the arbitrator or valuer as the case might be. He had drafted some words. He did not know whether they would meet with the view of the noble Lord, but they expressed what he meant. He wanted to ensure that allowance should be made by the arbitrator or valuer in fixing the rent for any onerous conditions of tenancy, and he suggested that after the words "rating or taxation," or "income-tax," as they now were, they should insert the words "any depreciation in the rental value of the land due to the terms and conditions of the agreement."

Amendment moved—

"In page 25, line 21, after the words 'income-tax' to insert the words 'any depreciation in the rental value of the land due to the terms and conditions of the agreement.'"—(*Lord St. Aldwyn.*)

The LORD CHANCELLOR: It is quite certain that what is intended is that whatever the terms or conditions are they shall be taken into consideration in fixing the rent. That is all the noble Viscount wants. It might be their appreciation or it might be their depreciation, but, whatever they were, they ought to be taken into consideration in fixing the rent. If the noble Viscount said "the terms and conditions of the hiring" I should have thought that that would have been sufficient.

Viscount St. ALDWYN said he would be prepared to accept the noble Lord's suggestion and substitute the words "the terms and conditions of the hiring."

Amendment, by leave of Committee, withdrawn.

Amendment moved—

> "In page 25, line 21, after the words 'income-tax' to insert the words 'the terms and conditions of the hiring.'"—(*Viscount St. Aldwyn.*)

On Question, Amendment agreed to.

Lord EBURY wished to call attention to the language of Paragraph 5. It ran as follows—

> "(5) Any compensation awarded to a tenant in respect of any depreciation of the value to him of the residue of his holding caused by the withdrawal from the holding of the land compulsorily hired shall, as far as possible, be provided for by taking such compensation into account in fixing the rent to be paid for the residue of the holding during the remainder of the term for which it is held by the tenant."

That was an instance of one of the vague expressions of which there were too many in the Bill. It would be quite compatible with that, and possible, to fix the rent for the residue at a peppercorn rent. He supposed they would be told that that would be impossible, because the successors of the noble Earl, the President of the Board of Agriculture, would not compare unfavourably with him. He declined to accept that guarantee, if he could get anything better. What he wanted by his Amendment was to dispel that which was vague and to replace it with that which was plain and fair, and for that reason he proposed at the end of the clause to add the words he had put down. They were simple words with none of the intricacies of language which proved so discomforting to the noble Earl opposite, and they appeared to him to involve so very reasonable a proposition that he thought they should commend themselves to the House generally.

Amendment moved—

> "In page 25, at the end of Subsection (5), to insert the words: 'But so that in any case where part only of a holding is hired the rent to be paid for such part shall, with the rent to be paid for the residue of such holding, be not less than the rent theretofore paid for the entire holdings.'"—(*Lord Ebury.*)

The LORD CHANCELLOR: In the first place, I think, as regards Subsection (5), that it really is not inequitable as the noble Lord seems to suppose. The provision really amounts to this—that, where a farmer has part of his land taken away from him, the compensation which is to be paid for the severance is so far as possible to be paid in the form of consideration in the rent.

Lord EBURY: Yes, it comes out of the landlord's rent.

The LORD CHANCELLOR: No, I do not think so at all. That is not the meaning in the least. It means that, if he suffers by reason of the severance, he may be paid either in cash or in the diminution of the rent. The preferable method is that he should be paid in diminution of the rent. It is not to come out of the landlord's pocket. The landlord is to be compensated as well. Everyone has to be compensated fully. All that it means is that the compensation is to be given in an annual form instead of in a capital form. As regards the Amendment of the noble Lord, it would, if I understand it rightly, really nullify what he himself desires. He desires that there should be payment of compensation in capital, but his Amendment would prevent that being practicable, because he requires—

> "In any case where part only of a holding is hired the rent to be paid for such part shall, with the rent to be paid for the residue of such holding, be not less than the rent theretofore paid for the entire holding."

Supposing he was paid in capital it manifestly might be unfair that the whole of the previous rent should be paid. If you pay a man down in cash, you cannot always require that he should receive the same amount in rent. I really do not think his Amendment carries out his object. I have not all the clause of the Bill in my mind, but the provision is that full compensation should be paid, and if it is not given in the form of rent, it must be given in the form of money.

Earl CARRINGTON: I think the noble Lord can be satisfied. He wants to insure that the rent of the two halves shall be equal to the whole. That is what it is, and I fancy myself, when we get into working order, the amount will be a bit higher. We have cut up a farm of 1,100 acres, and have left 366 to the tenant and have given the rest to small holders. The rent the tenant paid for the 1,100 acres was £1,000, and the new rents for the first year were £1,190, for the second year £1,340, and for the third year they will be £1,480. The money is paid by the parish council and by the tenant who remains on the farm.

THE EARL OF POWIS: Would they pay for the upkeep of the buildings?

EARL CARRINGTON: I have always been told that the tenant farmer is supposed to keep the farm in tenantable repair.

THE EARL OF CAMPERDOWN asked the noble Lord to clear up another point. The Bill said that the compensation to be paid to the tenant was to be taken into account in fixing the rent to be paid for the residue of the holding. The rent the landlord would receive in regard to that portion which remained would be reduced by the amount of the compensation he obtained. In what part of the Bill was it clearly stated that the landlord, whose rent had been cut down in respect of that part of the farm he still continued to let, was to receive compensation for that part which had been taken out of his hands.

THE LORD CHANCELLOR: In answer to that, in the first instance, that, with all the other terms or conditions, would have to be taken into consideration in fixing the rent payable to the landlord. In the second place, if the noble Earl will kindly look at Page 25, he will find in the schedule these words—

> "(*b*) The amount of any other compensation to be paid by the council to any person entitled thereto in respect of the land or any interest therein, or in respect of improvements executed on the land or otherwise; and other things also shall, in default of agreement, be fixed by valuation by a single valuer appointed by the Board."

It is payable. It is quite obvious you may pay this man partly in rent and partly in money down, but whatever happens all persons have to be fully compensated for their interests.

THE EARL OF CAMPERDOWN: Lord Ebury's Amendment exactly puts into words those two things.

THE LORD CHANCELLOR: I do not think it does. Of course, it is obvious if it is all payable in rent that two new rents would be quite equal to the old rent, but it does not follow it will all be paid in the form of rent. If it is paid partly in cash down, then it would not follow that the two new rents would be the same as the old rent.

Amendment, by leave, withdrawn.

Amendment moved—

> "In page 25, line 43, after the word 'shall' to insert the words 'in default of agreement.'"—(*Lord St. Aldwyn.*)

On Question, Amendment agreed to.

Schedule, as amended, agreed to.

Second Schedule:—

*VISCOUNT GALWAY said he had a consequential Amendment to move. In consequence of having left out Subsection 2 of Clause 21 it would be advisable not to repeal Subsection 5 of Section 7 of the Allotments Act of 1887, by which it was provided that the only buildings on an allotment should be those of a tool house, shed, and greenhouse. If that subsection was left out it might cause some confusion.

Amendment moved—

> "In page 26, line 9, to omit the words 'Subsection 5 of Section 7.'"—(*Viscount Galway.*)

On Question, Amendment agreed to.

Amendment moved—

> "In Second Schedule, page 26, to leave out line 23, and insert Section 4, from the words 'and in the application of Subsection 6' to the end of Paragraph (*d*).'"—(*Earl Carrington.*)

On Question, Amendment agreed to.

Schedule, as amended, agreed to.

Standing Committee negatived.

Report of Amendments to be received on Saturday next and Bill to be printed as amended. (No. 200).

SEA FISHERIES (SCOTLAND) APPLICATION OF PENALTIES BILL.

Read 3ª (according to order), and passed.

PUBLIC HEALTH (REGULATIONS AS TO FOOD) BILL.

*LORD **ALLENDALE**: I do not propose to detain your Lordships long at this time of the night. This Bill is a short Bill, but it is an important Bill. As your Lordships are aware, there have been already Acts passed relating to Public Health which give powers to Public Health Officers to examine meat and other articles of food exposed for the purposes of sale or the preparation for sale, and intended as food for human consumption. The object of this Bill is to extend these provisions for more adequately protecting public health, especially as regards imported foods. Public attention has been drawn to the need for further provision on this subject by the disclosures which your Lordships are aware have recently been made regarding the insanitary conditions in the packing yards both at Chicago and elsewhere in the United States of America, and as to the inadequacy of the supervision which is exercised. The amount of canned and other meat which is annually imported from the United States of America is very large and is continually growing. It is most important in connection with the public health that there should be adequate power to deal with this matter. Of late years questions of risk to health from particular foods have come much more prominently than before under the notice of the Local Government Board by reports that have been made by regular inspectors and by medical officers as to the very unhealthy and in some cases I may say the very filthy conditions under which food for human consumption is prepared. I could quote extracts from newspaper reports and other reports which have reached the Local Government Board — I have any number here—to prove what I have already indicated, but I will not detain your Lordships at this time of night by doing so. These newspaper cuttings and reports of convictions show that the evil is really very widespread, and this Bill, if your Lordships will give it a Second Reading and pass it through all its stages, will enable the Board to make regulations to prevent danger to public health both from the importation, preparation and storage, and distribution of articles of food and drink intended for sale for human consumption. This Bill contains what I know is considered objectionable legislation, I mean legislation by reference, but regulations are already made under The Public Health Act of 1896 and other enactments mentioned in that Act. Regulations are to be made under the Public Health Act of 1896 and other enactments, 130 and 134 of the Public Health Act, 1875, and this is extended to London by the Public Health Act (London) 1891. I may just say that objection was taken before the Standing Committee in another place that regulations might possibly be made by the Local Government Board without those concerned in the trade being made aware of the existence of these orders or having sufficient notice, but a clause has been put in, Clause 2, for the purpose of meeting this objection, and these regulations I may say will also be laid before the public and published in the *London Gazette* at least forty days before they are made. All those concerned will, therefore, have ample opportunity of making themselves familiar with the regulations. On the Third Reading of this Bill in the House of Commons the President of the Local Government Board assured the House that regulations in pursuance of the Bill would be carefully drawn up after due consideration of all interests affected. I will not go further into the question at this time of night. It is, your Lordships will agree, a great and important matter that there should be at any rate protection to the public in this matter, and I ask your Lordships to give the Bill a Second Reading.

Moved, "That the Bill be now read 2ª."—(*Lord Allendale.*)

*THE EARL OF **ONSLOW**: This Bill is one which confers very extensive powers upon the Local Government Board, and I am one of those who think that we must to a great extent trust our Government Departments that they will not abuse the powers, often very extensive ones, which are conferred upon them by Parliament. At the present time your Lordships are aware we can only touch articles which are offered for consumption as food when they are exposed for sale. I understand that there are large quantities of goods which from time to time have been in the possession of those who intended to sell them, but who were not exposing them at the time for sale, and that therefore they could not be touched. The object of this Bill is to enable the Local Government Board to make regulations for the purpose of controlling the sale, and, if necessary, destroying those articles which ultimately are intended for human food if they are not fit for that purpose. I am sure that is an object with which all your Lordships will sympathise. When I look at the provisions of this Bill, however, I begin to wonder why the President of the Board of Agriculture brought in a Bill for the regulation of butter substitutes. It seems to me that all the powers which the noble Earl seeks by that Bill will be conferred upon the Local Government Board by this Bill, and that it supersedes the measure to which your Lordships' attention was called a very short time ago. My object in rising is not to raise any objection to the passing of this Bill, but merely to ask that we may have an assurance that, if your Lordships give the Second Reading and pass it to-night, the promise made in another place by the President of the Local Government Board will be fulfilled, and that the regulations drawn up by the Board will be moderate in their character and not calculated in any way to annoy honest and straightforward tradesmen who desire only to deal with the public in a straightforward manner in the sale of articles of food.

THE LORD PRESIDENT OF THE COUNCIL (The Earl of CREWE): With regard to what has fallen from the noble Earl, I have no hesitation in repeating the assurance given by my right hon. friend in another place. If the objects of this Bill are to be carried out at all, it is obvious a very large discretion must be given to the Local Government Board. Otherwise, the thing could not be in any way operative. It certainly is not the desire of the Department to press hardly upon any class of persons, and I am quite certain that my right hon. friend will take every possible precaution to prevent the regulations of his Department doing so.

THE EARL OF PLYMOUTH: I only want to say that I think it is a very good thing that the President of the Local Government Board has taken up this very important subject of the importation of food into this country. It is not only of great importance to us that the food for sale should be carefully inspected, but I think it is very advisable that precautions should be taken not to allow into this country food of various sorts which is treated very often in a disgusting and most insanitary way. The other day an instance came before me of the importation from Italy of vegetable stuffs which had been known in Italy to be grown in a most insanitary way. I hope that such questions will receive the attention of the Local Government Board and that means may be found for protecting the people of this country from the importation of foodstuffs which are not properly grown or properly looked after in the country from which they come.

Bill read 2a (according to order), and committed to a Committee of the Whole House to-morrow.

EDUCATION (ADMINISTRATIVE PROVISIONS) BILL.

JUDICATURE (IRELAND).

House in Committee (according to order): Bills reported without Amendment: Standing Committee negatived; and Bills to be read 3a to-morrow.

BUSINESS OF SELF-GOVERNING COLONIES.

*THE EARL OF JERSEY: I desire to ask the noble Earl the Secretary of State for the Colonies the Question which appears in my name, viz.—

> 'If he is in a position to communicate to the House the steps for the better ordering of the business of the Self-governing Colonies, and of the Imperial conferences which at the recent conference he stated to be in contemplation."

In asking this Question, I will only say that at the recent Conference a strong desire was expressed that there should be some rearrangement at the Colonial Office which would enable that Office to be in closer touch with the self-governing Colonies, and also to provide for the work of the Imperial Conferences. That matter was left with the noble Earl, the Secretary of State. It could not be left in better hands.

*THE SECRETARY OF STATE FOR THE COLONIES (The Earl of ELGIN): I need not say that I shall be as succinct as possible at this hour of the night. But, as the noble Earl has said, this is a matter which has attracted a good deal of attention, not only in this country, but also in the Colonies, and I should like, as I am now able to do, to give some explanation as to the steps which we propose to take. The first resolution which was adopted by the late Conference had in it a passage which I desire to quote. It said—

> "That it is desirable to establish a system by which the several Governments represented shall be kept informed during the periods between the Conferences in regard to matters which have been or may be subjects for discussion, by means of a permanent secretarial staff, charged, under the direction of the Secretary of State for the Colonies, with the duty of obtaining information for the use of the Conference, of attending to its resolutions, and of conducting correspondence on matters relating to its affairs."

This proposal was submitted by myself on behalf of His Majesty's Government, and therefore what I have to do is to say how I propose to redeem the promise which I then gave. It will be remembered that there were other proposals before the Conference on this subject. There were resolutions which had been prepared by the Colonies of Australia and New Zealand and the Cape, and the propositions embodied in them were supported by the representatives of those Colonies at the Conference. They suggested the appointment of a Secretariat, independent of the Colonial Office, by the Conference itself. To that arrangement His Majesty's Government took exception on the ground that it was entirely inconsistent with the Ministerial responsibility which exists, not only in this country, but also in each and every Colony which enjoys self-government, and we were supported in that view by several members of the Conference, and especially by the Prime Minister of Canada, Sir Wilfrid Laurier. Sir Wilfrid Laurier speaks with so much authority and distinctness that I desire to give his opinion in his own own words. Sir Wilfrid Laurier said—

> "I am quite satisfied upon the principle conceded, that what is done is to be done on direct responsibility. That is the only subject, as originally proposed, to which I demurred, because it seemed to be the creation of an independent body. The moment it is recognised here that it is to be under direct responsibility, I am satisfied. I am quite prepared to accept the new principle, but I would not like to commit myself immediately to the drafting of the resolution, which perhaps may be improved."

Now, my Lords, I cannot refer to any division list—we fortunately did not take many formal divisions at the Conference—but the fact remains that though the representatives of the Colonies to which I have referred supported their own propositions, the resolution which I have quoted was finally adopted without a dissentient voice. I am obliged, however, to trouble the House with another quotation, because the concise language of the resolution itself might otherwise not be so clearly understood. In the course of the discussion I endeavoured to remove, so far as I could, any ambiguity as to the intentions of His Majesty's Government. On the first day I defined our position as follows. I said—

> "If you accept our proposition that we should with Ministerial responsibility provide the link which you desire, and which we think you reasonably desire, between Conference and Conference, you should allow us a free hand in other respects . . . The proposition which I put forward I put forward on my own responsibility as Secretary of State for the Colonies, but with the assent of my colleagues, and I hope therefore that the Conference will give it at least as favourable consideration as possible. . . . We will endeavour, I think we shall succeed, to so separate the departments of this office that you will have in the office in the form which we shall present it to you, a distinct division dealing with the affairs of the responsible governed Colonies. I will not say it will be exactly apart, because there is, and must be, at the head, at any rate, a connecting link between the several parts of any office, but there will be one division which you will feel will be concerned with the business of all the self-governing Colonies, and not directly with that of the Crown Colonies."

On the second day I found it necessary to add a further explanation, and I said—

> "What we have in our minds to carry out and hope to be able to carry out in the future,

is that we should appoint a gentleman on our staff to be the secretary for the Conference, not for one Conference only, but to continue the business as a member of the staff of the office and in a division of the office, as I said before, but that being his specific duty, thereby focussing all the business in the way which I think the members of the Conference in their various Resolutions expressed the desire it should be. That is what we hope to do, and that is the reason we use the expression 'secretarial staff.' You quite understand, I think, that we can make that arrangement without interfering with the responsibility or organisation of the office, but still in such a manner, I think, so far as it is capable of being done within the walls of the office, as to meet the wishes that the other members of the Conference have expressed. That is the meaning of the expression."

Upon that Sir Wilfrid Laurier remarked—

"I do not care how it is expressed, so long as it is on Ministerial responsibility, that is the only thing I attach importance to."

I think, therefore, my Lords, I have made it quite clear that the idea of an independent body was not entertained by the Conference, and in the second place that the idea of a scheme within the walls and under the responsibility of the Colonial Office was fully before the Conference and was entertained. That being so, the only scheme which I can be expected to lay before your Lordships this evening is one on those lines. I shall not detain the House by any description of the organisation of the Colonial Office as it is now. It may suffice to say that the geographical divisions into which it was, I think, originally divided have become somewhat obscured by the gradual accretions of spheres of duty in many parts of the world, and it is not very easy now to define any very distinct principle on which it is organised. The work generally, however, is divided into four Departments under the four assistant Under-Secretaries of State, above them standing the permanent Under-Secretary as the head of the Office, and a link between them and the Secretary of State. I hope that will be sufficient in order to make the change we now propose to introduce intelligible to your Lordships. What we propose to do is to divide the office into three Departments instead of into four. The first of these Departments we propose to term the Dominions Department. It will deal exclusively or practically so with the self-governing Dominions beyond the seas. The only work outside the business of those Dominions would be that originating in certain Protectorates or Possessions which are geographically or otherwise connected with the Dominions. I may mention as instances in point, at this present moment, the Protectorates in South Africa under the charge of the High Commissioner, and the islands of the Pacific. The other Departments do not, of course, come directly under the question of the noble Lord, and so I shall not deal with them in any detail, but I may mention that we propose to term the second Department the Colonial Department. It will, of course, deal with the Crown Colonies, and it will be a very heavy Department on account of the immense amount of administrative work and control involved in the management of the many Crown Colonies and Possessions of the Crown, and the ever-increasing importance and value that attaches to them. The third Department will be called the General Department. It will deal with the legal, financial, and other general business of the Office, and I may mention that under this Department we propose to establish a new feature in the shape of certain Standing Committees to take a collective view of such matters as contracts, concessions, mineral and other leases which come to us from all parts of the world, and also the matter of patronage, which is one of considerable importance and delicacy in the Colonial Office. This is the arrangement of the business of the Office which we propose to introduce, stated in general terms. I shall not trouble the House with any details, but I will just simply say, to prevent any misunderstanding, that we are not dealing only with the superior officers, but we are working out a reorganisation throughout with all the necessary divisions and sub divisions.

I proceed to the other branch of the subject, which is the personnel, and I propose to place at the head of the Dominions Department the senior assistant Under-Secretary of State. Mr. Lucas is a gentleman of very high academical and literary distinction, who has managed, even amongst the preoccupations of his official duties, to find time for works of merit on Colonial and especially on Canadian history. He has had a long experience of Colonial administration and his attractive and sympathetic personality has made him many friends in every quarter. I am certain that the task of recommending this new Department to our brethren beyond the seas can safely be entrusted to him. Second to this appointment and probably one which will attract even more interest is the nomination of the Secretary to the Conference. I have already quoted what I said to the Conference in regard to this matter. My promise was to take from our own staff a gentleman for the special duties arising out of the work of the Conference connected with what had passed and leading up to the future. I say at once that this post ought to be filled by a man of proved ability, of wide experience, and of a standing which will justify him in having access, whenever necessary, direct to the Secretary of State. I am glad to say that I can secure at once continuity from Conference to Conference. I feel that I am able to promote to this new post the gentleman who occupied the position of Joint-Secretary to the late Conference. Mr. Just has an experience of Colonial affairs which is second to none, and a special knowledge of South African business, having visited the country himself when the Secretary of State of the time paid a visit to it. He has an unsurpassed capacity for work, and the Papers which he prepared for the last Conference were never mentioned without its members expressing their appreciation. He holds the rank of Assistant Under-Secretary, and I claim that in appointing him to this post I am appointing a man of experience, of merit, and of position which ought to secure for it the esteem which its best friends desire. I will not go further to-night; I will not mention other members of the staff by name, but I will only just observe that I feel I shall be able to find men in our Service who have visited the self-governing Colonies, and I shall be only too glad to profit by their experience.

I think it right to make one remark as to a very unfair prejudice which is sometimes excited by semi-contemptuous references to Colonial Office clerks. That is an expression calculated to mislead, but I am sure it will not mislead in this House. It is well known by all who care to know that the higher ranks in the Public Service of this country are filled by members of the great Civil Service of which this country is proud, and from which the requirements of India, as well as of England, are met by the same examination and from the same lists. The gentlemen in the Colonial Office have passed the severest educational tests, many of them possess University distinctions, and they are men who have ungrudgingly devoted the best years of their life to work which no doubt has moments of great interest and excitement, but which is, after all, apt to be monotonous and is certainly arduous, unceasing, and responsible beyond that of most men. I would only remark that that career is open to all subjects of His Majesty, and is open to our brethren beyond the seas if they choose to qualify themselves for it, and, as I ventured to say in the Conference, possibly under the influence of the Rhodes Scholarships more Colonials will enter our ranks. We shall be only too happy to give them a welcome. I would only say just one word in conclusion. I have pointed out that it was the decision of the Conference itself which limited me definitely to the line of advance which I have pursued. I maintain that I have carried out my mandate fully and without reserve, and though I am not without sympathy with those who think that there are more advanced posts that might be occupied at some future time, I venture to say that we have at the present moment taken possession of the most advanced post which we can safely occupy. After all, representative institutions are the truest defences of our liberties, and we must make the machinery of government conform to the requirements of the representative institutions which we possess. I think I have now given the noble Lord all the information which at this time to-night it is reasonable to inflict upon the House.

*THE EARL OF JERSEY: I think the statement the noble Earl has just made clearly shows that he has carried out what seems to have been the understanding, judging by the Blue-book, at the recent

Conference. I believe also his decision to have a Dominions Department for the self-governing Colonies will be received with great satisfaction in other parts of the Empire. I was also glad to hear him say a word on behalf of the staff of the Colonial Office. It is true that sometimes criticisms are passed on the staff, but, after all, criticisms are passed on the very best of staffs, and they no doubt sometimes arise because people do not get exactly what they want. Those who have had the opportunity of dealing with the Colonial Office, whether as regards the Chief or those who serve under him, will say that they have always met there with the greatest ability and also the greatest courtesy, and I trust in the Dominions of the Crown the same satisfaction will be felt as I feel with the remarks which the noble Earl has made with regard to his decision in the rearrangements of his office.

TRANSVAAL LOAN (GUARANTEE) BILL [No. 201].

EMPLOYERS' LIABILITY (INSURANCE COMPANIES) BILL [No. 202].

IRISH LAND (No. 2) BILL [No. 203].

CABS AND STAGE CARRIAGES (LONDON) BILL [No. 204].

Brought from the Commons. Read 1ª, and to be printed.

BUSINESS OF THE HOUSE.

THE MARQUESS OF LANSDOWNE: I have to ask the noble Earl whether he will give your Lordships some idea as to the course of public business during the next two or three days.

THE EARL OF CREWE: I will enlighten the noble Marquess as far as I can. The noble Marquess will understand that my statement is subject to necessary modifications, particularly with regard to smaller Bills. The first Order to-morrow is the Report on the House of Lords Offices. We propose to take the Committee stage of the Deceased Wife's Sister Bill as the first important Order of to-morrow, and then the Evicted Tenants (Ireland) Bill (consideration of Commons Amendments), Committee stage of Public Health Bill, and the Committee stage of The Patents and Designs Bill. There are one or two other smaller measures on the Paper in case time should serve to reach them. On Saturday I propose to take first a very small matter, the Qualification of Women Bill, which has returned with one Amendment from another place, and then to take the Report stage of the Bill with which we have been dealing to-day, the English Land Bill, and I also hope your Lordships will allow it to be read a third time in order that on Monday the Amendments made by your Lordships' House may be considered. On Monday we propose to take the Report and, if your Lordships will allow, as I hope you will, also the Third Reading of the Deceased Wife's Sister Bill and the Council of India Bill, and the Second Reading of the Land Values (Scotland) Bill. I think, perhaps, that is as much information as I can give at this moment.

*THE MARQUESS OF LANSDOWNE: Can the noble Earl say anything about the Transvaal Loan Bill?

THE EARL OF CREWE: We thought Tuesday.

House adjourned at twenty minutes minutes past Twelve o'clock, a.m., till a quarter past Four o'clock.

HOUSE OF COMMONS.

Thursday, 22nd August, 1907.

The House met at a quarter before Three of the Clock.

New Writ for the County of Down (West Down), in the room of Harry Liddell, esquire (Manor of Northstead).—(*Sir Alexander Acland-Hood.*)

PRIVATE BILL BUSINESS.

Local Government Provisional Orders (No. 14) Bill; Local Government Provisional Order (No. 15) Bill. Lords Amendment considered, and agreed to.

Local Government Provisional Orders (No. 1) Bill; Local Government Provisional Orders (No 2) Bill; Local Government Provisional Orders (No. 4) Bill; Local Government Provisional

Orders (No. 5) Bill; Local Government Provisional Orders (No. 7) Bill; Local Government Provisional Orders (No. 8) Bill; Local Government Provisional Orders (No. 9) Bill; Local Government Provisional Orders (No. 10) Bill. Lords Amendments considered, and agreed to.

Local Government Provisional Orders (No. 12) Bill. Lords Amendments considered, and agreed to.

Lanarkshire County Council Order Confirmation Bill [Lords]. Read the third time, and passed, without Amendment.

MESSAGE FROM THE LORDS.

That they have agreed to,—Local Government Provisional Orders (No. 3) Bill; Local Government Provisional Orders (No. 6) Bill; Local Government Provisional Orders (No. 13) Bill; Caledonian Railway Order Confirmation Bill; Kilmarnock Corporation Water Order Confirmation Bill, without Amendment.

Merchant Shipping (Tonnage Deduction for Propelling Power) Bill, with Amendments.

Amendments to—York (Micklegate Strays) Bill [Lords], without Amendment.

STANDING ORDERS—PRIVATE BUSINESS.

The CHAIRMAN of WAYS and MEANS (Mr. Emmott, Oldham), who had given notice of his intention to move, "In Standing Order 98, line 2, to leave out from the first 'of,' to 'Members,' in line 3, and insert 'Eleven'" said: In view of the opposition to this proposed Amendment of the Standing Orders I do not intend to proceed with it this session, but will leave it over till next year.

Sir A. ACLAND-HOOD (Somersetshire, Wellington) said he was glad to hear the decision of the hon. Gentleman, which under the circumstances he cordially approved.

Motion, by leave, withdrawn.

PETITIONS.

SMALL LANDHOLDERS (SCOTLAND) BILL.

Petition from Dunnet, in favour; to lie upon the Table.

RETURNS, REPORTS, ETC.

POLLING DISTRICTS (COUNTY OF BERKS).

Copy presented, of Order made by the Council of the County of Berks altering certain polling districts in the Northern or Abingdon Parliamentary Division [by Act]; to lie upon the Table.

LOCAL REGISTRATION OF TITLE (IRELAND) ACT, 1891.

Copy presented, of Rule dated 31st July, 1907, made by the Land Judge with the approval of the Lord Chancellor of Ireland, amending the Rules of 24th August, 1896 [by Act]; to lie upon the Table.

RAILWAY RETURNS.

Copy presented, of Returns of the Capital, Traffic Receipts, and Working Expenditure of the Railway Companies of the United Kingdom for the year 1906 [by Command]; to lie upon the Table.

COLONIAL STATISTICS.

Copy presented, of Statistical Tables relating to British Colonies, Possessions, and Protectorates. Part XXX., for the year 1905 [by Command]; to lie upon the Table.

STATISTICAL ABSTRACT (COLONIES).

Copy presented, of Statistical Abstract for the several British Colonies, Possessions, and Protectorates in each year from 1892 to 1906 (Forty-fourth Number) [by Command]; to lie upon the Table.

TRADE REPORTS.

Copy presented, of Index to Reports of His Majesty's Diplomatic and Consular Representatives Abroad on Trade and Subjects of General Interest (with Appendix), 1906 [by Command]; to lie upon the Table.

COLONIAL IMPORT DUTIES, 1907.

Copy presented, of Return relating to the Rates of Import Duties levied upon the principal and other articles imported into the British Colonies, Possessions, and Protectorates [by Command]; to lie upon the Table.

METROPOLITAN WATER BOARD.

Copy presented, of Annual Report of the Metropolitan Water Board and Abstract of their Accounts for the year ended 31st March, 1907 [by Act]; to lie upon the Table, and to be printed. [No. 328.]

FORESHORES.

Copy presented, of Treasury Minute, dated 19th August, 1907, directing the application of moneys received by the Board of Trade in the year ended 31st March, 1907, in respect of the rights and interests of the Crown in the Foreshores of the United Kingdom [by Act]; to lie upon the Table.

EDUCATION (ENGLAND AND WALES) (SMALL SCHOOLS).

Return presented, relative thereto [ordered 20th August; *Mr. Yoxall*]: to lie upon the Table.

EXTRADITION ACTS, 1870 TO 1906.

Copies presented, of Orders in Council of 12th August, 1907, (1) for giving effect to a Treaty concluded on 25th August, 1906, between His Majesty and the President of the Republic of Panama for the Extradition of Criminals; (2) for carrying into effect an Agreement concluded on 2nd July, 1907, between the British and Swedish Governments for the mutual Extradition of fugitive Criminals [by Act]; to lie upon the Table.

MERCHANT SHIPPING ACT 1894.

Copy presented, of Order in Council of 12th August, 1907, fixing the dues to be paid to the King's Lynn Conservancy Board in respect of ships passing a floating light to be maintained by that Board in the roads of the Port, and revoking the Order in Council of 23rd October, 1877 [by Act]; to lie upon the Table.

DOCKYARD PORTS REGULATION ACT, 1865.

Copy presented, of Order in Council of 12th August, 1907, making new regulations for the Dockyard Port of Berehaven [by Act]; to lie upon the Table.

NAVAL AND MARINE PAY AND PENSIONS ACT, 1865.

Copies presented, of three Orders in Council of 12th August, 1907, approving Memorials of the Lords Commissioners of the Admiralty praying sanction to (1) certain regulations whereby Officers placed on the Retired List whilst serving on the Staff of the Inspection and Experimental Departments, or in posts in the Admiralty connected with those Departments, may be entitled to increase of Retired Pay; (2) a Revision of Titles, Rates of Pay, etc., of Petty Officers and Seamen of His Majesty's Navy and the establishment of a separate class of Wireless Telegraph Operators; (3) the Payment of an allowance to Officers and Men of His Majesty's Navy and Royal Marines who act as Shorthand Writers at Naval Courts-Martial [by Act]; to lie upon the Table.

ELECTRIC LIGHTING ACTS, 1882 AND 1888 (LONDON ELECTRICITY SUPPLY).

Return ordered, "of units delivered and average price charged by Local Authorities and Companies in the Metropolitan Police District for Power and Heating, Private Lighting, and Public Lighting, respectively, during their last completed year of account.

Name of Undertakers.	Power and Heating.		Private Lighting.		Public Lighting.		Total.	
	Units delivered.	Price per Unit.	Units delivered.	Price per Unit.	Units delivered.	Price per Unit.	Units delivered.	Price per Unit.
Local Authorities								
Totals : Local Authorities								
Companies -								
Totals : Companies -								
Totals : Metropolitan Police District of London.								

—(*Mr. Lloyd-George.*)

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

Post Office Pensioners' Identification Papers.

MR. STEADMAN (Finsbury, Central): To ask the Postmaster-General whether he will explain why an order has been issued prohibiting postmen from signing the identification papers of Post Office pensioners, in view of the fact that in some cases hardship has been caused to the pensioners.

(*Answered by Mr. Sydney Buxton.*) The power to attest declarations by pensioners is limited by Treasury regulations, as regards the Post Office, to certain officers authorised to make payments, among whom postmen are not included. But I am communicating with the Treasury to see whether the authority should not be extended to postmen.

Macroom Assault Case—Constable Healy.

MR. SHEEHAN (Cork County, Mid.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether any bill was sent up to the grand jury at the recent Cork Assizes in the case in which Constable Healy, who was returned for trial by a bench consisting of seven magistrates sitting at Macroom, was indicted for inflicting serious injury on one Jeremiah Cotter by breaking a baton on his head, as a result of which his life was certified to be in danger; if no bill was sent up, will he explain the reason why; and will he state what further action the authorities intend taking in this matter, seeing that in the cross case, in which Cotter and others were charged with assaulting the police and escaping from arrest, these men were acquitted, the Judge declaring that the police acted illegally in not proceeding their warrants.

(*Answered by Mr. Cherry.*) After a careful consideration of the evidence I directed that no bill on behalf of the Crown should be sent up to the grand jury in the case against Constable Healy, as I could not see that there was any foundation whatever for the charge. The learned Judge, however, at the request of the private prosecutor, allowed a bill to be sent up, which the grand jury ignored. The Judge does not appear to have stated that the police acted illegally in not producing their warrants, but he said that if the police had not the warrants in their possession they were not competent to arrest. The police, however, proved that the warrants were in their possession when the arrest was effected. It is not intended to take any further proceedings in the matter.

Prosecutions for Corruption.

MR. LUPTON (Lincolnshire, Sleaford): To ask Mr. Attorney-General in how many cases his consent has been asked for a prosecution under The Prevention of Corruption Act, 1906, and in how many cases he has given his consent.

(*Answered by Sir John Walton.*) There have been four applications for the Attorney-General's fiat for prosecutions under The Prevention of Corruption Act, 1906. Fiats have been granted in three cases; one is at present under consideration. Convictions were obtained in all cases.

Re-employment of Pensioned Officials.

MR. SMEATON (Stirlingshire): To ask Mr. Chancellor of the Exchequer whether, seeing that the practice of reducing the salaries of pensioned officials who have been re-employed as a set-off against their pensions is disapproved and discouraged by at least one Department of State, he will consider the necessity, as an act of justice, of amending the Superannuation Act of 1887 and the regulations thereunder, so as to relieve pensioned officers of the British Army and Navy who are employed in the Civil Service of the country from the deductions made from their civil salaries on account of the pensions they receive.

(*Answered by Mr. Asquith.*) The system of deductions under The Superanuation Act, 1887, does not apply to Army pensioners below commissioned rank. Such pensioners, when employed by the State in a civil capacity, are permitted to draw the remuneration of their civil employment, as well as their pensions, in full; and I understand that the reference in the earlier part of the Question is to some observations by my right hon. friend the Secretary of State for War in favour of similar liberality being shown by private employers. The retired pay of Navy and Army officers is regarded not entirely as a reward for past services but to a large extent as compensation for loss of employment at a comparatively early age. Where the State finds employment for a retired officer, it is regarded as reasonable that at any rate the portion of the retired pay representing such compensation should be suspended during that employment. For administrative reasons, however, it has been found more convenient to make a deduction from the civil remuneration rather than to follow the strictly logical course of suspending payment of the retired pay. The deduction in practice rarely exceeds 10 per cent. of the civil remuneration, which is usually much less than the amount which would be abated from the retired pay if the principle I have indicated were strictly applied. The legislation of 1887 was very carefully considered at the time; and, so far as I am aware, nothing has occured since which would render its repeal desirable.

Post Office Savings Bank Investments.

MR. MYER (Lambeth, N.): To ask Mr. Chancellor of the Exchequer whether he is aware that a Return is issued annually giving in detail all stock transactions entered into on behalf of the Trustee Savings Banks, setting out the amount of stock purchased or sold in each separate occasion, together with the sum paid or received and the price per cent. at which the stock was purchased or sold; will he state whether there is any reason why the same particulars should not be given in respect of transactions entered into on behalf of the Post Office Savings Bank; and, if no such reason exists, will he take measures to secure that in future such particulars shall be given.

(*Answered by Mr. Asquith.*) The account relating to Trustee Savings Banks to which my hon. friend refers is required to be presented to Parliament by Section 60 of the Act, 26 and 27 Vict., c. 87. I doubt, however, whether the details of the separate transactions are of sufficient public interest or importance to justify the labour and expense of preparing and publishing the account, and I think it will be well, when an opportunity offers. to amend the law requiring its presentation. There is no similar statutory requirement in the case of the Post Office Savings Bank.

Australian Tariffs.

MR. HAROLD COX (Preston): To ask Mr. Chancellor of the Exchequer whether his attention has been called to the new customs tariff of the Commonwealth of Australia which imposes heavy additional protective duties upon imported commodities; and whether, as such a tariff is likely to impede the development and thus to impair the credit of Australia, he will represent to the Lord Chancellor the desirability of omitting Australian stocks from the list of trustee securities.

(*Answered by Mr. Asquith.*) The new Australian tariff to which my hon. friend refers is still under consideration by the Commonwealth Legislature, and it is impossible to say at this stage what precise form the proposals will take before they are placed on the Statute-book. As regards the second portion of the Question, I may point out that the *status* of "trustee" securities is given to Colonial stocks by The Colonial Stock Act, 1900, subject to the fulfilment of certain conditions prescribed by the Treasury under powers given them by that Act, and that the Lord Chancellor has no power to exclude from the category of "trustee" securities any Colonial stock with respect to which the requirements of the Act are complied with.

Income-Tax Rebates.

MR. COURTHOPE (Sussex, Rye): To ask Mr. Chancellor of the Exchequer whether he is aware that the treatment by the Claims Department of the Inland Revenue of applications for repayment of income-tax is often unduly protracted, and that communications from claimants are frequently ignored; and whether he will take immediate steps to secure prompt attention to such claims in future.

(*Answered by Mr. Asquith.*) I am aware, as I stated in reply to a Question put to me by the noble Lord the Member for Marylebone on the 6th instant, that, owing to the immense accumulation of claims within a few months of the year and to the close investigation necessary to ensure the Department against paying away money to which the claimant's title has not been conclusively proved, there is during the summer months a considerable delay in the settlement of claims. Every effort, however, is made by the Board of Inland Revenue to minimise this delay, both by the adoption of the most expeditious methods of dealing with the work, and by the employment of the staff on long and continuous overtime. Much as I regret the inconvenience thus caused to the public, I fear that it is impossible, consistently with the due security of the Revenue, to devise any method of reducing it further.

Mr. COURTHOPE : To ask Mr. Chancellor of the Exchequer whether the Claims Department of the Inland Revenue received, on or about 23rd June last, an application for repayment of income-tax from the executor of the late Miss M. G. Homan ; whether any reply was made to such application ; whether two further communications from the said executor have been received, asking for settlement of this matter ; and whether he will direct that it shall be promptly dealt with.

(*Answered by Mr. Asquith.*) The application in question was received in the Inland Revenue Department on the 26th June last. It is not the practice to acknowledge the receipt of claims for repayment, and to do so would, owing to the great number of such claims with which the Department has to deal, require the employment of additional staff. The two further communications mentioned in the Question were duly received and answered. Various references were necessary before the claim could be settled, but there was no undue delay, and it has now been paid.

Commercial Attachés.

Mr. BRIGG (Yorkshire, W.R., Keighley) : To ask the Secretary of State for Foreign Affairs are the commercial *attachés* who are in future to have their head quarters in London to be placed under the control of the Foreign Office or of the Board of Trade ; and to whom must the British manufacturer apply for information respecting such Foreign markets as have hitherto been represented by commercial agents, but which are in future to be represented commercially by members of the consular service.

(*Answered by Secretary Sir Edward Grey.*) The commercial *attachés* are primarily under the control of the Foreign Office, who, however, act in consultation with the Board of Trade as to the best manner in which their services can be utilised. Inquiries from British manufacturers as to Foreign markets, or as to other matters of commercial interest, should in the first instance be addressed to the Commercial Intelligence Branch of the Board of Trade.

Llanrwst National School.

Mr. YOXALL (Nottingham, W.) : To ask the President of the Board of Education whether his attention has been called to the case of the schoolmaster of Llanrwst national school ; whether he is aware that the managers have served the schoolmaster with notice to terminate his appointment as from 29th September next, and that the local education authority decline to assent to this proposed dismissal ; and will he say whether the Board of Education have informed the managers that they do not consider it necessary that the consent of the local education authority should be sought to the formal termination of the agreement with the teacher, and have suggested to the managers that the master may be dismissed without such consent.

(*Answered by Mr. McKenna.*) The Board have stated that they do not consider the consent of the local education authority is required to the formal termination of a teacher's agreement when such termination is merely a preliminary to the re-engagement of the teacher under a fresh agreement. The Board have not suggested that the teacher may be dismissed without the consent of the local education authority, and they do not consider the dismissal of the teacher can legally take place until such consent has been obtained.

Cardiff Assistant Postmen.

Mr. JAMES O'CONNOR (Wicklow, W.) : To ask the Postmaster-General whether he can state why two assistant postmen at Cardiff, of good character and aged twenty-two and twenty-three years of age respectively, are refused promotion to two vacancies for full-time postmen in that city.

(*Answered by Mr. Sydney Buxton.*) The vacancies in question have been filled by the transfer from the rural district of two established postmen who had prior claims to those of the assistant postmen. If the latter had been willing to accept employment in the rural district it would have been possible to give them appointments as postmen some time ago.

Trim Sub-Postmistress.

MR. JAMES O'CONNOR: To ask the Postmaster-General whether he is aware that the acting sub-postmistress of Trim, county Meath, refused to pay wages on Saturday the 3rd instant on the ground that there was no money, that she ordered a man who was off duty at 1 p.m. to attend at 8 p.m. without payment, when she would have some money, and, because he was unable to, called upon him to give an explanation of this conduct; and whether he will see that proper arrangements for paying wages are made at Trim.

(*Answered by Mr. Sydney Buxton.*) I will make inquiry and communicate the result to the hon. Member.

Juries at Munster Assizes.

MR. FIELD (Dublin, St. Patrick): To ask Mr. Attorney-General for Ireland whether he will explain why, at the Munster winter assizes of 1906, in the case of Rex *v.* William Ward and Timothy Casey, Irish labourers, who were being tried for their lives, twenty-one jurors were ordered to stand by; at the same assizes, in the case of Rex *v.* Cornelius Leary, Daniel Leary, James Cronin, and Patrick O'Keeffe, charged with resisting eviction, fifteen jurors were ordered to stand by; at the same assizes, in the case of Rex *v.* Patrick Meany, forty-five jurors were ordered to stand by; and in the same assizes, in the case of Rex. *v.* Cornelius Healy and ten others, charged with obstructing an eviction, fifteen jurors were ordered to stand by; whether, in the early part of 1906, several months before the preceding cases were tried, he sent a circular to each Crown solicitor in Ireland impressing upon him the importance of strictly complying with the rule that Crown solicitors should not inquire into the religious or political opinions of any juror, and should not direct any juror to stand by on account of his religious or political opinions; if so, what special circumstances caused him to issue this circular, and was this rule contravened in the preceding cases; and whether he will now order jury packing to cease.

(*Answered by Mr. Cherry.*) A circular was sent out by me to the Crown solicitors throughout Ireland in February, 1906, in the terms mentioned in the Question. The only special circumstances which caused me to issue it were frequent public complaints that Crown solicitors had been in the habit of disregarding the rules as regards empannelling juries. I had no means of judging whether or not these complaints were true as regards the past, but I thought it desirable to ensure for the future strict compliance with the rules. The number of jurors respectively ordered to stand aside in the several cases mentioned in the Question is correct. In Meany's case the large number was due to the fact that extensive canvassing by friends of the prisoner was carried on, and it was necessary to order all those believed to have been affected by the canvassing to stand aside. In the other cases the number ordered to stand aside was not in my opinion in any case excessive. In one case (that of Ward and Casey) actually eight more jurors were challenged by the prisoners than were ordered to stand aside by the Crown. I have carefully scrutinised the action of the various Crown solicitors throughout Ireland since the issue of my circular, and have reason to believe that they have in every case loyally obeyed it. In no case, that I am aware of, has the rule which forbids jurors to be ordered to stand aside on the ground of their religious or political views been contravened.

Calf Lymph.

MR. WEIR (Ross and Cromarty): To ask the President of the Local Government Board in view of the fact that before the lymph obtained from any calf is used, the animal is slaughtered for the purpose of ascertaining the condition of its health, will he state how many of the 505 calves hired last year were found on examination to be in perfect health; and, seeing that the hire of a four months' old calf for a fortnight costs the Board on an average 34s., will he say whether, in making arrangements for the supply of calves, the Board calls for tenders, and for what period are contracts made.

(*Answered by Mr. John Burns.*) Of the 505 calves hired last year 444 were, after slaughter, examined by the veterinary surgeon, and 442 were certified as perfectly healthy. The contracts are not made for any definite period. The Board have from time to time made inquiries with a view to obtaining tenders from different contractors, but they have not found persons willing to tender under the conditions which they find it necessary to impose.

Khartoum Girls' School.

MR. J. M. ROBERTSON (Northumberland, Tyneside): To ask the Secretary of State for Foreign Affairs whether he is yet in a position to give the House any information as to schools for girls at Khartoum, appropriation of land there by the Soudan Government, and the possible application of Wakf property to purposes of education.

(*Answered by Secretary Sir Edward Grey.*) With regard to the first Question, the facts were stated in Lord Cromer's last annual Report. They are as follows:—A petition for the establishment of a Government school for girls was received by the Governor-General of the Soudan in October last. The matter was fully considered and it was decided in March last that a girls' school should be established, sufficient funds having been set aside for the purpose. A beginning will shortly be made with the erection of a suitable building. The petitioners were in no case referred to the missionary school authorities. As explained by Lord Cromer, such Moslem girls as attend missionary schools in Khartoum receive secular education only unless at the express wish of their parents or guardians. With regard to the second Question, the Soudan Government expropriated for public purposes an area of 1,202 feddans of land at the confluence of the Blue and White Niles. The land was expropriated under the Land Acquisition Ordinance, 1903, a copy of which is enclosed. The prices were fixed by a Commission of three members, consisting of the sub-Governor and two official members, and were based on the prices given at the private sales which had been effected from time to time of various parts of the land. The whole of the land expropriated, except a narrow bank on the Blue Nile, consists of a low-lying flat which is flooded at times of high Nile. The bank on the Blue Nile is being rapidly washed away. The expropriation was made with a view to building a protective masonry embankment along the Blue Nile, to protect the bank, and of constructing works to reclaim the remainder. The scheme is intimately connected with proposals for connecting Khartoum and Omdurman with a railway and a bridge, and with the eventual erection of quays along the White Nile. With regard to the second part of this Question, the Egyptian Government have on two or three occasions expropriated land at Khartoum North (Halfaya). No association of the name of the "Model Farming Association," or any similar name, is known. In 1905 a piece of uncultivated land was expropriated for a Government experimental farm, and the price paid to expropriate private rights over part of such land was at the rate of £E2 a feddan, but the average price was considerably higher. No part of this land has been sold. With regard to the third Question, the Egyptian Government have not confiscated any Wakf property. They have certain Wakf lands in their hands which are at present mainly unproductive, but some of which have a considerable value as building land. The proceeds are applicable for purposes recognised as charitable by Mahomedan Law, such as the upkeep of mosques, the payment of mosque officials, education (especially religious education), alms, etc. It would not be in accordance with the wishes of the inhabitants of Egypt to restrict the application of Wakf property to educational purposes.

Egyptian Ministry and Public Instruction.

MR. J. M. ROBERTSON: To ask the Secretary of State for Foreign Affairs whether he can now state what knowledge of Arabic is required of British officials under the Egyptian Ministry of Public Instruction and give the statistics of the examinations; and can he also give any information as to the rate of pension and salaries payable to native and British Judges respectively, and as to the inspectors appointed in the Slave Trade Repression Department in Egypt.

(*Answered by Secretary Sir Edward Grey.*) With regard to the first Question, British teachers in Egyptian Government schools and British officials attached to the Ministry of Education are not required to show any proficiency in Arabic prior to their appointment. Appointments under the Ministry of Education, as in other branches of the Egyptian Civil Service, are, however, probationary for a period of not less than one year or more than two years. With the exception of certain senior officials, whose appointment depends upon the possession of special technical qualifications, all British officials under the Ministry of Education are required to show proficiency in speaking, reading, and writing current Egyptian Arabic before they can be confirmed in their appointment or recommended for any increase of salary. Regulations instituting such an examination optionally were first enacted in 1898. In 1900 the elementary examination was made compulsory and an advanced examination in modern Arabic and an honours examination in classical Arabic were instituted. The compulsory clause in the regulations of 1900 is not retroactive, but all except four of the British officials to whom the clause, if retroactive would have been applicable, have voluntarily passed the elementary examination. Only twelve of the British officials now serving under the Ministry of Education have been exempted as specialists from the obligation of passing the examination as a condition of their appointment on the permanent staff; apart from these exemptions the regulations have been rigorously enforced. The advanced and honours examinations are optional, but promotion depends in a large measure upon an official passing at least the advanced examination. The number of British officials who have passed the tests during the last five years is as follows:—

Grade.	School Year.				
	1902–3.	1903–4.	1904–5.	1905–6.	1906–7.
Elementary Examination . .	5	17	12	15	19
Advanced Examination . .	1	2	—	3	1
Honours Examination . .	—	—	—	—	1

The examinations are held in April and November, and officials who fail at one examination are allowed to present themselves at any subsequent examination subject to the condition that unless they pass the elementary examination within the two years' limit of their probationary service they become liable to dismissal. With regard to the number of failures at the elementary examination, seventy-six British teachers and other officials employed under the Ministry of Education passed the examination on presenting themselves for the first time, and twenty-two on presenting themselves for the second time, whilst three who have presented themselves once and one who has presented himself twice have not yet passed the examination. With regard to the second Question, in the Mixed Courts the annual salaries of the native judges are:—President of the Court of

Appeal, £E900; Judge of the Court of Appeal, £E1,000; President of Court of First Instance (Cairo) £E720; Judge of Court of First Instance, £E750. These Judges are entitled to pension, *see* page 5, *infra.* The annual salaries of the British judges are:—Judge of the Court of Appeal, £E1,850 (of which £E1,543 is true salary and £E307 is an indemnity in lieu of pension). Judge of Court of First Instance. £E1,388 (of which £E1,157 is true salary and £E231 is an indemnity in lieu of pension). These Judges are not entitled to pension. In the Native Civil and Criminal Courts the present salaries of the Native Judges are:—President of the Court of Appeal, £E1,500; Judges of the Court of Appeal, £E800 and £E1,000; Presidents of Courts of First Instance, £E600 and £E800; Vice-Presidents of Courts of First Instance, £E540 and £E600; Judges of Court of First Instance, five classes, £E240, £E300, £E360, £E420, and £E480. The salaries of the British Judges are:—Vice-President of Court of Appeal, £E1,750; Judges of Court of Appeal, £E1,000 and £E1,200; Judges of Court of First Instance, £E600 to £E800. All the above native and British Judges are entitled to pension. *See* page 5, *infra.* The history of the above salaries is as follows:—The Court of Appeal was established in February, 1884, the president (native) being entitled to a salary of £E1,200, the vice-president (native) to £E900, Native Judges to £E720, Native assistant Judges (juges suppléants) to £E540, and British Judges to £E962. In 1894 the salary of assistant Judges was raised to £E660; in 1896 all the assistant Judges became Judges; and in 1897 their salaries were raised to £E720. In 1899 a British vice-president was appointed with a salary of £E1,200. In 1902 the salaries of Native Judges were raised to £E800 and of British Judges to £E1,000. In 1904 the salaries of the Native president and of the British vice-president were both raised to £E1,500. In 1905 the salaries of Judges doing assize work were raised, Native Judges to £E1,000, and British Judges to £E1,200. In 1907 the British vice-president's salary was raised to £E1,750. The Courts of First Instance were established in Lower Egypt in February, 1884, presidents (Native) being entitled to salaries of £E600 and £E720, vice-presidents (Native) to £E480 and £E600, Native Judges to £E420, Native assistant Judges to £E264, and British Judges to £E700. Similar courts were established in Upper Egypt in June 1889, presidents (Native) being entitled to a salary of £E420, vice-presidents (Native) to £E336, Native Judges to £E300, Native assistant Judges to £E174. In 1893 the salaries of presidents in Upper Egypt were raised to £E540, of vice-presidents in Upper Egypt to £E480, and of vice-presidents in Lower Egypt to £E540. At the same time all the Native Judges for both Upper and Lower Egypt were divided into the five classes existing at the present day. In 1903 the salaries of the presidents of Cairo and Alexandria were raised to £E800, and those of presidents in Upper Egypt to £E600, and of vice-presidents in Upper Egypt to £E540. In 1905 British Judges were first appointed in Upper Egypt, and at the same time the salaries of British Judges in both Upper and Lower Egypt were put on the present footing. In the Mahomedan Ecclesiastical Courts all the Judges are Natives. Their present salaries are as follows:—President of the Supreme Court (Grand Cadi), £E1,735; Judges of Supreme Court, £E480; Judges of Central Court of Cairo, £E300 and £E480; President (Cadi) of Central Courts, £E168, £E192, £E216, £E240, £E480, and £E600; Judges and Muftis of Central Courts, £E120, £E216, £E240, and £E300; Judges of District Courts, £E72 and £E120. All these Judges are entitled to pension, *see* page 5, *infra.* As regards the history of these salaries it appears that in 1876 the Grand Cadi and the presidents and Judges of the Central Courts at Cairo and Alexandria were drawing their present salaries. Before 1884 the presidents of the other Central Courts were receiving salaries up to £E144 and the Judges' and muftis' salaries up to £E84. In that year the salaries of the presidents were raised to £E144 to £E240, and of the Judges and muftis to £E84 to £E96. In 1907 the salaries of Judges and muftis were raised to the present figure. In 1880 the salaries of Judges of the district courts were up to £E60; in that year they were increased to £E60 to £E72; in 1891 they were all equalised at £E72; and in the present year the salaries of about half of these Judges have been raised to £E120. As regards pensions as mentioned above the British Judges of the Mixed Courts are not entitled to any. Six native Judges of the Native Courts are entitled to a pension, under the provisions of the Pension Law of Said Pasha (26th December, 1854), at the rate of one-fourth of their last year's salary after fifteen years service, one-third after twenty years, one-half after twenty-five years, two-thirds after thirty years, and to a pension equal to their last year's salary after forty years service. Three native Judges of the native Courts are entitled to a pension, under the Pension Law of Ismail Pasha (11th June, 1871), at the rate of one-fourth of their last year's salary after thirty years service. All the other Judges above-mentioned, viz. ; native Judges of the Mixed Courts, of the Native Civil and Criminal Courts, and of the Mahomedan Ecclesiastical Courts, and British Judges of the Native Courts, are subject to the provisions of the Pension Law of the 21st June, 1887. A Judge who has entered the Government service under the age of thirty-five, has served for twenty-five years, and attained the age of fifty-five, is entitled to pension under this law. The basis of this pension is the average annual salary drawn by him during the last three years of his service, and he is entitled to a pension at the rate of one-sixtieth of this average salary for every year's service. This pension cannot exceed either £E600, or three-quarters of his average salary. With regard to the third question the following officials were appointed to the Slave Trade Department during the years 1905–6 :—

Name.	Rank.	Appointed.	Salary.
F. J. Atterbury - - - -	Inspector	1st January, 1905	£E300
Mr. Brander Dunbar - - -	„	1st January, 1906	£E500
Resigned and replaced by—			
Mr. Akers-Douglas - - - -	„	11th July, 1906	£E500
Mr. Lake Geere - - - -	„	1st January, 1906	£E500

Judge Ross and the Estates Commissioners.

Mr. MULDOON: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether his attention has been called to one or two recent judgments of Mr. Justice Ross in the Land Judges' Court, in which severe strictures are conveyed upon the action of the Estates Commissioners, and a charge made against them that in their administration of the Land Purchase Act of 1903 they have been acting in entire violation of the law; whether, in view of these allegations, he is in a position to grant a Return giving particulars of the instances in which the differences which arose between the Estates Commissioners and the Land Judge have been the subject of judicial determination and the effects of that determination.

(*Answered by Mr. Birrell.*) I am not in a position to give a Return such as the hon. Member asks for. Anyone who may be interested in the subject of the Question can, I presume, obtain full information upon it by referring to the Irish Law Reports.

Kinvara Harbour.

Mr. DUFFY (Galway, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware of the sums of money available for the construction of certain improvement works in connection with Kinvara Harbour, Galway; whether the initiation of the works is contingent upon a grant being given by the Galway County Council; whether the council has signified to the Agricultural Department, the Congested Districts Board, and the Board of Works its willingness to make the said grant; and whether, in view of the urgency of the works, the Government will enable the county council to carry out the works, which are not alone essential in the interest of the harbour, but certain to be of advantage to the poor people this bad season in providing them with employment.

(*Answered by Mr. Birrell.*) As the hon. Member is aware, the difficulty in this matter arises from the fact that in the present state of the law, the Galway County Council have no power to make the necessary contribution towards the cost of the work in question. This difficulty would have been removed if the Navigation Works Bill of this session had become law.

Crossdoney Police Barracks.

MR. VINCENT KENNEDY (Cavan, W.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he is aware that there is a police barracks at Crossdoney, county Cavan; how many men are stationed there; what is the population of the town, and how many inhabited houses are there; how many licensed houses; how near is this station to the nearest police barracks; is there a telephone and telegraph office in Crossdoney; and is it intended to continue this police station.

(*Answered by Mr. Birrell.*) The police station at Crossdoney is occupied by four men. The village itself has a population of but seventy-five persons occupying eleven houses, but the district attached to the station is of considerable extent and has a population of 1,660 persons. The village contains no licensed houses, but has a telegraph and telephone office. The station is two and a half miles distant from the next adjacent station. The question whether it may be possible to abolish the station at Crossdoney has recently been under the consideration of the police authorities, but a decision has not yet been arrived at.

Bilingual Programme for Irish Schools.

MR. BOLAND (Kerry, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Commissioners of National Education have framed any, and, if so, what new rules with respect to the introduction of the bilingual programme for the present school year; whether any, and, if so, what, conditions are to be laid down as to the qualifications of the school staff; and whether, in view of the fact that the official training colleges have not given adequate facilities for training young teachers in the Irish language, and that this work has been carried out by the voluntary training colleges established by the Gaelic League at Ballingeary, Mount Partry, Cloghaneely, and Dublin, for each of the four provinces, he will see that no obstacles are placed in the way of national schools desirous of adopting the bilingual programme.

(*Answered by Mr. Birrell.*) The Commissioners of National Education inform me that their regulations as to the use of the bilingual programme in national schools are as follows:—The use of the bilingual programme may be permitted only—(1) If the home language of the majority of the pupils is Irish; (2) If the teacher can speak Irish fluently; (3) If instruction through the medium of English will be given to any exclusive English-speaking pupils whose parents desire it. In schools in which the bilingual programme is adopted Irish should be mainly the medium of instruction for the junior standards (I. to III.), and English mainly for the higher. The merit of the teaching is judged by the proficiency both in Irish and English, the former being the main factor in the case of the junior classes, and the latter in the case of the higher. Permission to use the bilingual programme is withdrawn if the school declines in usefulness under bilingual conditions, or if the recognised Irish-speaking teacher leaves, unless his successor satisfies the condition as to knowledge of Irish. A fee of 4s. may be paid for each unit of the average attendance of pupils receiving bilingual instruction in schools classified as fair as a result of the annual inspection, of 6s. in schools classified as good, and of 8s. in schools classified as very good or excellent. These regulations are the same as those which were in operation for the school year ended 30th June last, except that the maximum fee per pupil for the past year was only 4s. The Commissioners inform me that they are strongly in favour of the use of the bilingual programme in schools in Irish-speaking districts, and no obstacles are placed in the way of its introduction in schools in which the conditions of the rules are fulfilled.

Irish Teachers' Increments.

MR. JOHN MURPHY (Kerry, E.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he can state why the Commissioners of National Education granted increments to certain teachers on 1st April, 1903, and only granted further increments to such teachers from the 1st November, 1906, thereby depriving them of seven months increase of salary; and whether he can get the Commissioners to make such alterations as are necessary to deal equitably with the cases of such teachers.

(*Answered by Mr. Birrell.*) The Commissioners of National Education inform me that teachers to whom increments were granted on 1st April, 1903, were awarded further increments as from 1st April, 1906, in all cases in which the intervening service was continuous and satisfactory. In the absence of information as to the particular cases to which the Question refers, the Commissioners are unable to give reasons why the increments were postponed in these cases. The Commissioners claim that increments are equitably awarded, and that there is no reason why they should alter their mode of dealing with such cases.

Irish Teachers' Promotion.

MR. JOHN MURPHY: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he can state how many national teachers in Ireland are to be disallowed promotion for the triennial period ended 31st March, 1907, to second-of-first grade and first-of-first, respectively, through the adverse report of a new inspector on his first visit to a school in cases where the two preceding reports were up to the required standard; will the National Board allow an impartial and unprejudiced investigation into all such cases in which the managers alleged at the time that the minutes of such new inspectors were unjust and unwarrantable and requested a reinspection and in cases in which such reinspection was refused; has the National Board yet seen the advisability and justice of complying with the requests made frequently by the Central Executive Committee of the Irish National Teachers' Organisation and the various associations of national teachers throughout Ireland for the past two years that no teacher be disallowed promotion on account of the adverse minute of any inspector on his first visit to a school when the two preceding reports had been of a character to justify such promotion.

(*Answered by Mr. Birrell.*) In reply to the first part of the Question, I refer to my Answer to the hon. Member for South Belfast on 12th instant. The Commissioners inform me that all cases are carefully investigated in which a manager alleges that an inspector's report is unfair. The Commissioners are unable to give an assurance of the general nature suggested in the concluding part of the Question.

Irish National Education Board.

MR. JOHN MURPHY: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that only a small proportion of the Commissioners of National Education usually attend the meetings of the Board, some of them being old and unable to take any active interest in educational matters; and, seeing that the whole work of the Board is practically in the hands of the Resident Commissioner and a few of the higher officials, who being over sixty years of age can, unless they do as he desires, be called on to retire, as recently happened to a chief inspector, whether he will consider the desirability of advising the Lord-Lieutenant to dismiss several of the present members of the Board in the hope that the dissatisfaction with its administration may be somewhat abated.

(*Answered by Mr. Birrell.*) The hon. Member is mistaken in supposing that only a small proportion of the Commissioners attend meetings of the Board. I find that during the last school year an average of about two-thirds of the members attended each meeting. I have no information that any of the Commissioners are incapacitated by age from taking an active interest in their work, or that, as a matter of fact, the Board delegates it proper functions to the higher officials. As at present advised, I am not aware of any reason why the Lord-Lieutenant should dispense with the services of any existing members of the Board.

Ballyconnell Fishing Pier.

Mr. McHUGH (Sligo, N.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that work has been stopped at the fishing pier at Ballyconnell, county Sligo, which was commenced by the Congested Districts Board; that it is quite useless in its present state, and that a pier is greatly needed by the fishermen of the district; and can he say when the work will be resumed and the pier completed.

(*Answered by Mr. Birrell.*) The Congested Districts Board are informed by their engineer that the work which they undertook at Knocklane, Ballyconnell, has been practically finished.

Cavan Industrial School—Case of Horan Children.

Mr. McHUGH: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether two children named Horan, who were duly committed to the Cavan industrial school, were ordered to be discharged by the Lord-Lieutenant on the ground that the evidence on which they were committeed was insufficient; if so, will he say on whose representations was their discharge ordered; and will he have this case fully investigated.

(*Answered by Mr. Birrell.*) This case was brought to my notice by the inspector of reformatory and industrial schools in the usual course, and I was advised by the law officers that the evidence did not justify the committal of the children to an industrial school. I was obliged, therefore, to direct the discharge of the children.

C. C. B. White Estate, Leitrim.

Mr. McHUGH: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether negotiations for the lease of the C. C. B. White estate, Newtownmanor, county Leitrim, now in the Land Judge's Court, have been completed; and, if not, will he take any steps open to him to secure a sale of this estate at the earliest possible moment.

(*Answered by Mr. Birrell.*) The Land Judge has made an order for the sale of this estate, and the Estates Commissioners some time since lodged a request, under Section 7 of the Act of 1903, for particulars of the estate with a view to considering the question of purchase. The title of the estate, however, is very long and complicated, and hence there has necessarily been considerable delay in complying with the Estates Commissioners' request. The Registrar of the Land Judge's Court informs me that the matter will be pushed forward as rapidly as possible.

Housing of Working Classes in Irish Towns.

Mr. McHUGH: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that promises have been repeatedly made by his predecessors in office that provision would be made for the better housing of the working classes in towns in Ireland; and can he inform the House whether he has considered this matter, and what are his intentions in reference to it.

(*Answered by Mr. Birrell.*) I am not aware of any foundation for the hon. Member's suggestion beyond the fact that on 22nd November last my predecessor informed him that the Government would, at a convenient opportunity, consider whether any Amendments of the law relating to the housing of the working classes in the towns of Ireland may be necessary. I have already said that I cannot at present promise legislation, but that I recognise the importance of the subject and will give it full consideration.

Duncannon Evicted Tenants.

Mr. FFRENCH (Wexford, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland, whether he is aware that Robert Devereux, Battlestown, Duncannon, applied to the Estates

Commissioners for restoration to one or other of the farms from which he was evicted; if the Estates Commissioners have considered his application; and do they propose restoring either of his farms to him.

(*Answered by Mr. Birrell.*) The Estates Commissioners have inquired into the application and have ascertained that the evictions took place more than twenty-five years before the passing of the Act of 1903. The applicant, therefore, does not come within the provisions of Section 2 of the Act.

Irish Land Purchase Advances.

Mr. LUNDON (Limerick, E.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland will he give, by tabulation or otherwise, the operation of sinking funds on first advances and also on additional advances under the various Purchase of Land Acts, commuting the dividend instalments under what are termed the decadal reductions.

(*Answered by Mr. Birrell.*) I would refer the hon. Member to the several Treasury rules prescribing the redemption tables to be used under the Land Purchase Acts, and also to the provisions of Section 25 of the Act of 1896 with regard to the decade system. I will send a list of the rules in question to the hon. Member.

Kilmallock Courthouse.

Mr. LUNDON: To ask the Chief Secretary to the Lord-Lieutenant of Ireland can he say whether Captain Fitzpatrick, resident magistrate in Kilmallock, county Limerick, has been instrumental in preventing the members of the Town Tenants Association, a strictly non-political body, from using for their meetings the courthouse in the town, or are the functions and duties of that gentleman, a paid magistrate, quite in keeping with such conduct; and can he say who are the real custodians of the courthouse and have they delegated their powers to Captain Fitzpatrick.

(*Answered by Mr. Birrell.*) I am informed that at the opening of the Kilmallock petty sessions court on 2nd instant, the Chairman, Captain Fitzpatrick, resident magistrate, announced that the magistrates had decided not to allow the Town Tenants Association to hold meetings in the courthouse. The magistrates are the custodians of the courthouse, and it is to be presumed that Captain Fitzpatrick spoke with their authority. That gentleman, however, is at present on leave of absence, and I have had no opportuinty of communicating with him in the matter.

Means of Identifying Irish Policemen.

Mr. SWIFT MACNEILL (Donegal, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that in the cities of Waterford, Cork, Limerick, and Belfast, the members of the Royal Irish Constabulary who perform the duties of policemen in those cities have numbers on their uniforms for the purpose of identification; that, although the members of the Royal Irish Constabulary in the cities have numbers on their uniforms, the constabulary in country districts do not wear numbers on their uniforms; and that the constabulary in the cities, when drafted even for a few hours into country districts, have the numbers removed from their uniforms, whereas the constabulary in rural districts when drafted, as in the recent Belfast riots, into the cities, have numbers placed on their uniforms; what is the reason that the means for identification of a policeman by the wearing of the number on his uniform should be afforded to the inhabitants of the Irish cities and denied to the inhabitants of country districts; whether he is aware that the senior Member for the City of London, when Chief Secretary for Ireland, defended the practice of not placing numbers on the uniforms of the constabulary in the country districts on the ground that such means of identification was calculated to give facilities for the making of false accusations against the police; and whether, having regard to the fact that members of the constabulary have refused to give their names when reqiured to do so by persons desiring to complain of their conduct, and of the difficulty of identifying them by reason of their uniform, steps will be taken, now that the alleged grievances of the Royal Irish Constabulary are to be taken into consideration with a view to their removal, to provide that the members of the Royal Irish Constabulary, like the members of the police of other countries, should wear numbers on their uniforms in towns and country alike.

(*Answered by Mr. Birrell.*) This Question is practically identical with one which the hon. and learned Member addressed to my predecessor on 6th March, 1906. The matter is new to me, and I have not had time to look into it fully since notice of the Question was given. I am, however, informed that Mr. Bryce's Answer still holds good.

Belfast Labour Dispute.

MR. J. DEVLIN (Belfast, W.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he could state the circumstances under which the Riot Act was read and the military ordered to fire on the people by Major Thackeray, R.M., at Peel Street, Belfast, on the night of 13th August; whether people in the immediate vicinity of the magistrate were not aware of the Riot Act having been read and received no warning that the military were to fire; whether Major Thackeray had made any Report on the subject; and whether any compensation would be made by the Government to the families of those killed and wounded.

(*Answered by Mr. Birrell.*) The coroner's inquest in this case has been adjourned till Monday next, and while it is pending it would be irregular and undesirable to answer any Question on the subject.

Extra Police in County Leitrim.

MR. McHUGH: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether an application for a payment in connection with extra police has been made to the county council of Leitrim; by whom has the application been made and by whose authority; under what statute is it proposed to levy the charge; have the Law Officers of the Crown in Ireland been consulted in reference to this matter; what is the maximum quota to which Leitrim is entitled; when was the quota fixed and what was the average number of constabulary stationed in the county of Leitrim in the years 1881, 1891, 1901, and 1906; have full particulars been furnished to the county council; and will he give his personal attention to this matter.

(*Answered by Mr. Birrell.*) The Inspector-General of the Royal Irish Constabulary applied to the Leitrim County Council for the payment of sums amounting to £339 18s. in respect of extra police stationed in the county during the year ending 31st March last, and as the county council refused to pay, the amount has, by order of the Lords Justices, been deducted from the sums payable to the county from the local taxation account. The Inspector-General acted under the authority of the Acts 9 and 10 Vic., c. 97, and 11 and 12 Vic., c. 72, which authorise the charge to be levied. The Law Officers were not consulted on this particular case, in which the established practice was followed. The present free quota of police for Leitrim is 147, which was fixed in May, 1906. The average number of the free force in the county was: in 1881, 210; in 1891, 220; in 1901, 182; and in 1906, 146. It is, however, to be remembered that since 1881 the population has decreased by nearly one-fourth. Full particulars of the extra forces charged for have been furnished to the county council.

Irish Government Reports.

MR. JOHN MURPHY: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he can explain the cause of the continuing delay in the presentation of the Reports of Irish Departments to the House of Commons; whether he is aware that the Reports of the Commissioners of National Education, the Department of Agriculture, the Local Government Board, the General Prisons Board, the Estates Commissioners, etc., have only been presented within the last week; and if he proposes to take any steps to ensure that these Reports will in future be laid before Parliament in sufficient time before the close of the session to permit of their examination, and the discussion of their contents where necessary, by the House of Commons, which the present procedure seems to be calculated to prevent.

(*Answered by Mr. Birrell.*) It cannot be admitted that there has been any undue delay in the presentation of the

Reports to which the hon. Member refers. The Reports of four of the Departments named are for the financial year ending 31st March, while that of the National Board covers the school year ending 30th June. I find that last year the Reports of two of these Departments, namely, the National Board and the Estates Commissioners, were not presented till after the House had risen, and the present year therefore shows an improvement. It must be remembered that all of these Reports contain elaborate statistics which in some cases cannot be prepared until particulars have been received from local authorities, and that the mere printing occupies a considerable time. In the circumstances it would not appear that a period of three months for preparing the Reports is unreasonably long. I am assured that all possible expedition is used in the preparation of the Reports.

Policemen Injured in Belfast Riots.

Mr. MARKHAM (Nottinghamshire, Mansfield): To ask the Chief Secretary to the Lord-Lieutenant of Ireland will he say the number of policemen injured during the Belfast riots, and the particulars of the injuries they received.

(*Answered by Mr. Birrell.*) Forty-five policemen were injured during the riots at Belfast on 11th and 12th instant. Of these fourteen received injuries to the head and face, and thirty were injured about the body and limbs, the injuries being in all cases inflicted by stones, bottles, and other missiles thrown by the rioters. One man had his ankle sprained.

War Office Employees at Shoeburyness.

Mr. WHITEHEAD (Essex, S.E.): To ask the Financial Secretary to the War Office whether those civilian employees under the War Office at Shoeburyness who are technically classified as casually employed, were deprived of pay on 28th and 29th June, by reason of these days being holidays, whereas the office staff and other employees classified as established or regularly employed received full pay for these days; and whether he can see his way to place all civilian subordinates in Army Departments whose services are in fact regularly used on the same footing as regards payment during public official holidays.

(*Answered by Mr. Buchanan.*) It is in accordance with the regulations at present in force that casual employees do not get paid for public holidays. The whole matter is, however, under review.

Mr. WHITEHEAD: To ask the Financial Secretary to the War Office whether, under Regulation 23 of 1904 for civilian subordinates in Army Departments, artificers who are worked overtime are only paid for the excess of hours at their hourly rating; whether he is aware that under trade union rates for overtime it is usual to have time and a quarter for the first two hours and time and a half afterwards; whether he is aware that these trade union rates were in force at Shoeburyness prior to the regulations of 1904; and whether he can see his way to adopt again the trade union scale.

(*Answered by Mr. Buchanan.*) It has been found necessary to refer the question to the local military authorities for report. As soon as the information is received it will be sent to the hon. Member.

Cost of Khaki Tunics.

Mr. ARTHUR HENDERSON (Durham, Barnard Castle): To ask the Secretary of State for War whether he can state the average price paid by the War Office for khaki tunics and hand-made soldiers' gloves during the South African war, also the price being paid for the same articles at the present time.

(*Answered by Mr. Secretary Haldane.*) It is not clear from the hon. Member's question what particular information he desires, as the tunics issued during the war varied considerably in material and in prices. If the hon. Member would kindly call at the War Office, I will see that he obtains all the information that can legitimately be given, in view of the fact that prices are confidential.

Civil Powers to call out the Military.

MR. SNOWDEN (Blackburn): To ask the Secretary of State for War whether, when the War Office is informed, in accordance with Paragraph 273 of the Army Regulations, that troops have been called out in aid of the civil powers, the Secretary for War has the authority to withdraw the troops from assisting the civil power.

(*Answered by Mr. Secretary Haldane.*) The broad principle of the law of England is that the military authority is bound to come to the aid of the civil authority with armed force, if such force be necessary, to put down violent opposition to the civil power of such a character that the civil power cannot cope with it unaided. In giving effect to the obligation which this principle imposes it is obvious that discretion must be exercised, for the general law does not tolerate the exercise of more force than is necessary. What force is necessary is a matter for the authorities civil and military to judge of. The primary responsibility and *prima facie* to judge is with the civil authority which calls for aid, but the military authority cannot divest itself of responsibility by merely complying without forming a judgment as to the proportion between end and means. It is this secondary responsibility with which the paragraphs in the King's Regulations to which the hon. Member refers deal, and it follows from the law, as I have stated it, that these regulations which only apply to the mode of executing the principle, and do not touch the principle itself, do not and cannot cut down the obligation which the general law imposes on the military authority to respond in a proper case to the appeal of the civil authority, and of the propriety of the case the civil authority is, as I have already pointed out, *prima facie* the judge.

Employment of Ex-Soldiers.

MR. SNOWDEN: To ask the Secretary of State for War if he is aware that Major A. W. Taylor, 2nd Battalion Queen's Regiment, Colchester, is sending out circular letters to the traders in Essex offering the services free of charges and without wages, as unskilled labourers, of men serving with the colours who are nearing time expiration; if such circulars are sanctioned by the Army Council; and whether he will take steps to stop officers in the Army issuing offers of free or cheaper labour whereby employers are tempted to discharge their ordinary workmen.

(*Answered by Mr. Secretary Haldane.*) My attention has been called to the letter in question. This letter specifies that the soldiers should be employed as extra hands, and that any work they perform should be given free of charge in return for instruction given to them by their employer. This proposal, however, not being in accord with instructions issued from time to time by the War Office on the subject of the technical training of soldiers, which do not propose that instruction should be given in exchange for free labour, the attention of the General Officer Commanding-in-Chief, the Eastern Command, has been drawn to this letter, with a view to prevent offers of free or cheaper labour being made to employers.

Territorial Forces Bill.

MR. ASHLEY (Lancashire, Blackpool): To ask the Secretary of State for War if he can now state the approximate date when the Territorial Forces Bill will come into actual operation.

(*Answered by Mr. Secretary Haldane.*) The work of drafting the regulations necessary for the detailed application of the Act requires time, but it is being rapidly pressed forward. I am already in communication with the lieutenants of counties, and a Special Committee has been appointed to assist them in the formation of their county associations. Matters should be sufficiently far advanced in the course of next spring for the system to be put into general operation.

Royal Horse Artillery Recruiting Office.

MR. DUDLEY WARD (Southampton): To ask the Secretary of State for War, whether the recruiting office for the Royal Horse Artillery is open; and, if not, since what date it has been closed.

(*Answered by Mr. Secretary Haldane.*) Recruiting for the Royal Horse Artillery is open at Woolwich for gunners, and at certain regimental depots for drivers. The Royal Horse Artillery has been up to its establishment for some time, and recruiting for this arm, as for other branches of the service, is regulated by requirements.

Allocation of War Office Contracts to Private Firms.

MR. T. F. RICHARDS (Wolverhampton): To ask the Secretary of State for War, whether he will consider the advisability of informing all contractors to his department that the nation has already provided at an enormous expense workshops and have trained a number of men to provide them with munitions of war, and that they cannot see their way clear to in any way increase the amount of orders hitherto given to private firms.

(*Answered by Mr. Secretary Haldane.*) No, Sir.

Soldiers Injured in Belfast Riots.

MR. MARKHAM: To ask the Secretary of State for War, will he say the number of soldiers injured during the Belfast riots, and the particulars of the injuries they received.

(*Answered by Mr. Secretary Haldane.*) The casualties have not been reported to the War Office, but have been called for. The information is not yet to hand.

Fernando Po.

SIR JOHN KENNAWAY (Devonshire, Honiton): To ask the Secretary of State for Foreign Affairs, whether, with a view to the better protection of the interests of British subjects, English and African, resident in Fernando Po, he will give instructions to the resident at Calabar to act as British consul and visit the island periodically.

(*Answered by Sir Edward Grey.*) Mr. Cottrell, a local resident, was appointed consular agent at Fernando Po last year.

Kaffir Labour in the Transvaal.

MR. REES (Montgomery Borough): To ask the Under Secretary of State for the Colonies whether any law or regulation exists in the Transvaal whereby Kaffir labour is prevented from competing with European skilled labour.

(*Answered by Mr. Churchill.*) The Secretary of State is not aware of such law or regulation.

Australian Tariff.

SIR HOWARD VINCENT (Sheffield, Central): To ask the Under-Secretary of State for the Colonies, why, if the new Australian tariff has been received at the Colonial Office, it has not been laid on the Table and circulated among the commercial classes in order that full advantage may be at once taken of the provisions by Sir William Lyne, the Minister of Commerce and Labour in the Commonwealth Administration, for the development of trade with the Mother Country upon mutually advantageous terms and a preferential basis.

(*Answered by Mr. Churchill.*) The hon. and gallant Member is under a misapprehension to which I fear I may have unintentionally contributed. The new Australian traiff has not been received at the Colonial Office. A telegram has been received from the Governor General stating that the Reuter telegrams from Melbourne of the 8th and 9th instant, which appeared in the daily papers of the 9th and 12th instant, on the subject of the new tariff are correct. The substance of this telegram was published in the Board of Trade Journal on the 15th instant, together with other details received by the Board from the officer representing the Commonwealth in London. The information in the possession of His Majesty's Government has therefore already been fully notified to the public.

Trade Marks.

SIR HOWARD VINCENT: To ask the President of the Board of Trade what steps he proposes to take with regard to the recommendations of the Select Committee of 1897 concerning the Merchandise Marks Act, 1877, and the advertisement to Foreign trade rivals of the mark Made in Germany required under certain circumstances by the 17th section, having regard to the failure to secure enactment for the Bill upon the subject, notwithstanding its passage through the Standing Committee and the assistance of the Board of Trade.

(*Answered by Mr. Lloyd-George.*) I am afraid I cannot at present give any promise to introduce a Bill to amend the Merchandise Marks Act, but I am fully aware of the importance of the subject.

German Railway Rates on Sugar.

MR. MITCHELL-THOMSON (Lanarkshire N.W.): To ask the President of the Board of Trade, whether he is yet in a position to give information with regard to German railway rates on sugar.

(*Answered by Mr. Kearley.*) The following statement gives the information desired by the hon. Member:—

Railway Rates for Conveyance of Beet Sugar to Ports for (*a*) Home Consumption (*b*) for Export.

Route.	Distance in kilometres.	Railway rates for quantities of at least 10 tons.†	
		(a) For local delivery.	(b) For export.‡
		Marks per ton.	Marks per ton.
Breslau—Hamburg . . .	609	28·60	14·60
Magdeburg—Hamburg . .	251	12·50	6·70
Magdeburg—Bremen . . .	267	13·20	7·10
Brunswick (Main Stn.)—Hamburg	190	9·80	5·40
Brünswick (Main Stn.)—Bremen .	184	9·50	5·20
Düsseldorf—Hamburg . . .	384	15·70	6·50
Frankfurt a. M.—Hamburg . .	531	33·10	12·90
Dresden—Hamburg . . .	462	28·90	11·40

† Ton of 1,000 kilos (=2,204 lbs. avoirdupois).

‡ These rates are under an exceptional tariff for export over sea, which applies only to quantities of at least 10 tons.

Excise Bonded Warehouses.

MR. SLOAN (Belfast, S.): To ask the Secretary to the Treasury, whether Excise bonded warehouses are allowed to remain open without an officer being present therein; if not, what is the reason why a different practice is followed by the Customs authorities whose warehouses are left open without protection for revenue, except the warehouse keepers' bond; and whether the Treasury Bonded Warehouse Committee, 1881–3, approved one practice for Excise and a different one for Customs warehouses.

(*Answered by Mr. Runciman.*) I find that there is diversity in the practice of the two departments, though both are administering the same Regulations. The Board of Customs are satisfied that their system, which has been in force for many years, secures administrative convenience without any danger of loss of revenue. I think, however, that the matter requires further consideration with reference to the wording of the Regulations, and I am causing inquiry to be made into it.

Scottish Excise Licenses.

MR. CHARLES ROBERTS (Lincoln): To ask the Secretary to the Treasury, if he will state, for the years ending 31st March, 1901, 1904, 1905, 1906, and 1907 the total number of Excise licences for the sale of intoxicating liquors by retail in Scotland, distinguishing separately for each year retailers of spirits, licensed grocers, and retailers of wine not to be consumed on the premises, in that country.

(*Answered by Mr. Runciman.*) The Board of Inland Revenue have furnished me with the statistics given below in reply to my hon. friend's Question:—

Description of licence.	Number of licences.				
	Year ended 31st March.				
	1901.	1904.	1905.	1906.	1907.
	Number.	Number.	Number.	Number.	Number.
Retailers of spirits	7,226	7,084	7,025	6,991	6,951
Licensed grocers	3,823	3,745	3,715	3,684	3,657
Retailers of wine not to be consumed on the premises . .	3,626	3,591	3,565	3,543	3,525
†Other retailers	690	652	622	605	615
Total . . .	15,365	15,072	14,927	14,823	14,748

† Consist of the following:—

Dealers in spirits, additional licences to retail.
Retailers of beer, cider, and perry.
,, beer and wine.
,, table beer.
,, wine to be consumed on the premises.
,, sweets.
Passenger boats.

Second Division Scheme.

Mr. FIELD (Dublin, St. Patrick): To ask the Secretary to the Treasury, whether he will state the probable date at which the Treasury intend to promulgate the new Second Division scheme, and also the probable date from which it is intended this scheme should take effect.

(*Answered by Mr. Runciman.*) A new Order in Council dealing with the Second Division will shortly be passed, but I am unable at present to fix any date for it.

Comptroller and Auditor-General's Private Secretary.

Mr. FIELD: To ask the Secretary to the Treasury, whether, seeing that the private secretary to the Comptroller and Auditor-General until lately received £150 special allowance, that such special allowance is not pensionable, that it has now been reduced to £100 and the other £50 merged for pensionable purposes in the ordinary salary of the holder of the position, and that this gentleman only serves seven hours per day as formerly, he will explain whether an evasion of the Superannuation Acts has taken place in this case; and, if so, what steps he proposes to take.

(*Answered by Mr. Runciman.*) I have nothing to add to my previous Answers on this subject except, that the grant of a pensionable allowance for the additional duties which this officer now performs involves no evasion of the Superannuation Acts.

Audit of Irish Accounts.

MR. FIELD: To ask the Secretary to the Treasury whether, seeing that thirty to thirty-five large duplicate books (the originals being kept in Dublin), containing the grades, salaries, and other particulars of 16,000 to 18,000 Irish teachers, are biennially forwarded to the Audit Office, London, by the Education Office, Dublin; that average attendances of schools and quarterly payments to these teachers are entered in the books of the Irish Education Office and again in London in these duplicate books by Audit Office officials; that amending lists prepared in Dublin, necessitating much time and labour, are sent quarterly from the Irish Education Office to the Audit Office, London, and the amending particulars thus furnished entered by Audit Office officials in these duplicate books; that on every Irish account audited in London duplicate establishment books, and in many cases various duplicate records of other kinds, are necessarily kept under the present system of audit; and that the time and labour involved in duplication alone could be avoided if the work were done in Dublin by a permanent local staff such as obtains in the case of numerous English accounts, he will explain how the absence of a permanent local staff to conduct the audit of the Irish accounts in Ireland does not result in duplication of work, inefficiency of audit, and waste of public money.

(*Answered by Mr. Runciman.*) I beg to refer the hon. Member to my reply of the 30th ultimo. For the reason there given these records would be required if the audit of these accounts were conducted in Ireland.

The Comptroller and Auditor-General.

MR. FIELD: To ask the Secretary to the Treasury whether, seeing that the Comptroller and Auditor-General is particularly the servant of the House of Commons and audits the public accounts under its direct supervision, and that some time ago a subordinate in the Audit Office raised a point with reference to the Crown Colonies and Protectorates having free housing accommodation, free light, and stationary from the Imperial Government for the Colonial Audit Branch in London for about fifteen years, he will explain why the Comptroller and Auditor-General wrote off this point; and, if not, will he say how the House of Commons can adequately criticise and supervise the work of its officer, the Comptroller and Auditor-General.

(*Answered by Mr. Runciman.*) I have nothing to add to the Answer I gave to the hon. Member on this subject on the 26th June last.

Arrest of Dutch Ship by the "Skipjack."

MR. MULDOON: To ask the Secretary to the Treasury whether he is aware that the captain and crew of a Dutch ship, seized on the 30th of May last for offences under the Customs Consolidation Act of 1876, were placed under arrest by the captain of the "Skipjack," and subsequently prosecuted; that the charge preferred was dismissed, and the captain and crew acquitted on the ground that their ship was outside territorial waters at the time of seizure; that, upon the decision being given, counsel for His Majesty's Commissioners of Customs obtained a certificate of indemnity on behalf of the officers who executed the seizure, which could only have been granted where a claimant to the proceeds of the seizure was in existence and before the court has successfully sustained such claim, and that the defendants' solicitor consented to the certificate being granted and to the proceedings being for that purpose treated as a claim for the return of the ship and cargo; and whether, seeing that the Commissioners of His Majesty's Customs, having thus obtained the certificate of indemnity which they could not otherwise have obtained, have since refused to return the ship and cargo to its owner, and have not commenced any other proceedings whatever, and that the defendants have now been kept for three months without knowledge of what is to be done or intended to be done, he will say what steps will be taken towards these subjects of a friendly Power.

(*Answered by Mr. Runciman.*) As regards the first part of this Question I beg to refer the hon. Member to the Question of the hon. and gallant Member for East Down of the 4th ultimo, and to my reply thereto. I am informed that the certificate of indemnity was granted in the absence of any objection by the defendant's solicitor, but that its grant could not prejudice the owner of the vessel in any action which he may be advised to bring for recovery of damages either for the seizure of the vessel or for her continued detention since the above-mentioned proceedings were dismissed. With regard to the last part of the Question I understand that on the 24th June last the defendant's solicitor was informed, by direction of the Board of Customs, of the course to be pursued if it was desired to contest the forfeiture of the ship. A notice of claim on behalf of the owners has since been received from him; and the ordinary proceedings for condemnation of the ship are in progress. He was informed on the 2nd instant that proper notice would be given to him when these proceedings are in such a state as to render it necessary for him to take any steps to defend them.

Supervisors of Inland Revenue.

MR. PATRICK O'BRIEN (Kilkenny): To ask the Secretary to the Treasury whether he will explain the circumstances under which the supervisor of Inland Revenue, who was promoted over more than 100 of his seniors last year, was declared not successful at the examination for inspectorship; whether any correspondence passed between the Inland Revenue Board and the Civil Service Commissioners; if so, did it result in the cancellation of this officer's examination; whether, in view of all the circumstances, the officer has been or will be informed that he will be allowed to compete at the next examination for inspectorship of excise; and whether all the Papers connected with the case will be submitted to the proper authority when the administration of Somerset House is next subjected to investigation.

(*Answered Mr. Runciman.*) The Board of Inland Revenue inform me that the supervisor in question committed a breach of the conditions of the examination by revealing to one of the examiners the examination number assigned to him, and that by their order, after consultation with the Civil Service Commissioners, his name was removed from the list of candidates. The Board were satisfied that his action was due to an error of judgment and not to any wilful or corrupt motive, but they removed his name as they considered that nothing should be condoned that might endanger the impartiality with which these examinations should be conducted. No application has been received from the supervisor to compete at the next examination for inspector of excise.

The Secretary to the Board of Inland Revenue.

MR. PATRICK O'BRIEN: To ask the Secretary to the Treasury whether the Secretary to the Board of Inland Revenue has yet departed upon his customary tour of inspection from the centre selected by him for a holiday resort; whether the subsistence allowance and first-class travelling expenses will be paid as in previous years in connection with this holiday inspection; whether he will state what is the object of this inspection, in view of the fact that the present Secretary to the Board of Inland Revenue (contrary to the practice in previous years and to the recommendation of a Commission of Inquiry) has no practical knowledge of outside excise duties; whether the inspection is ordered by the Board of Inland Revenue as a condition to the granting of a holiday to their Secretary; and whether the audit office distinguishes between the expenses proper to the official visits and those incurred in connection with the Secretary's holiday.

(*Answered by Mr. Runciman.*) I must refer the hon. Member to the Answer given by my predecessor to the hon. Member for South Down on 4th August, 1906. I need only add to that reply that only expenses incurred strictly on official business are charged to the Vote, and these are, of course, subject to the usual scrutiny by the Audit Office. The Board of Inland Revenue inform me, however, that they have not this year directed their secretary to visit any place.

Second Division Clerks.

MR. ALDEN (Middlesex, Tottenham): To ask the Secretary to the Treasury whether a new scheme governing the pay of Second Division clerks is about to come into force; whether those Second Division clerks now serving have been offered by his Department the opportunity of being placed in receipt of that salary to which they would have been entitled had this new scheme been in existence at the dates of their appointments; and, if so, whether he will state what reasons there are why a similar concession was not extended to the new class of assistant clerks when the scale of pay of that body of Civil Servants was altered in 1905.

(*Answered by Mr. Runciman.*) Certain changes in the scale of salary fixed for the Second Division clerks are being contemplated, but I am unable at this stage to give my hon. friend any detailed information. There is, however, no analogy between the cases of the assistant clerks referred to and the clerks of the Second Division.

Customs Assistant Clerks.

MR. ALDEN: To ask the Secretary to the Treasury whether a memorial from the assistant clerks, new class, in the Statistical Office, Customs, was forwarded to the principal of that office on the 9th of last month for transmission to the Treasury; whether attached to the memorial were certain official documents substantiating the statements made by the clerks that the conditions under which they were induced to enter the Civil Service were not being observed; and, if so, whether this memorial and the accompanying papers have been now received at the Treasury.

(*Answered by Mr. Runciman.*) In view of the fact that the memorial in question did not explicitly withdraw the charge that there had been a breach of faith by His Majesty's Government, the Board of Customs declined to forward it. But in these circumstances it is open to the memorialists to address the Treasury direct.

Irish Post Office Uniform Contracts.

MR. FIELD: To ask the Postmaster-General whether he will now arrange to have cloth and other materials for making up boots, waterproofs, etc., required for the Irish Post Office service, delivered free in Dublin, and there subjected to expert examination, in order to give the same facilities to Irish manufacturers in Ireland as are now enjoyed by English manufacturers in England, and also to save the cost of carriage from London to Ireland which, under the present arrangement, the Post Office Vote has to bear.

(*Answered by Mr. Sydney Buxton.*) The only materials now sent from Ireland to London and then returned to Ireland are certain linings of an average annual value of about £90.

Central Telegraph Office—Case of Miss Pledge.

MR. FIELD: To ask the Postmaster-General whether his attention has been called to the case of the late Miss Pledge, of the Central Telegraph Office, who expired on 18th June, death having been certified to be due to cerebral paralysis and coma; whether he is aware that this officer had been for many months prior to her demise subjected to constant invigilation and espionage on the part of a certain supervisor; whether he will cause inquiry to be made into this system of unduly harassing the staff with a view to securing more humane treatment to State servants whose ill health, as in this case, has been caused by long service on telegraphic duties of a very exacting nature.

(*Answered by Mr. Sydney Buxton.*) Miss Pledge's death was due to cerebral paralysis, resulting, in the opinion of the medical adviser to the Post Office, from organic disease of the brain or its blood-vessels. In December last Miss Pledge's duties were rearranged with a view to giving her an opportunity of proving her capabilities in sound-reading, a branch of work in which she had previously shown herself weak. Her work was occasionally observed in order that her progress might be reported on; there was nothing whatever in the nature of "invigilation and espionage." Miss Pledge made no complaint to her supervising officers of the strain of the new work, and I have no reason to think that she did not receive every consideration from them. I am advised that there is no reason to suppose that the change in Miss Pledge's duties was the cause of her breakdown.

Kilkerrin and the Telephone.

MR. O'MALLEY (Galway, Connemara): To ask the Postmaster-General whether he will consider the advisability of establishing a telephone station at Kilkerrin, Connemara, which would be of considerable advantage to the people of that district engaged in the kelp industry.

(*Answered by Mr. Sydney Buxton.*) I will have inquiry made and will communicate with the hon. Member. I am afraid, however, that it would be necessary to ask for a heavy guarantee.

Shotley Building Contract.

MR. FIELD: To ask the Secretary to the Admiralty whether he will state the names of the contractors who originally tendered for the buildings originally intended to be erected at Shotley to provide accommodation on shore for a boys' training establishment, and the amount of each tender; whether Colonel Raban is allowed a free hand by the Admiralty in giving work to the contractors without offering it for competitive tender; and whether Colonel Raban, a public servant, resents Parliamentary criticism of any course he chooses to adopt.

(*Answered by Mr. Lambert.*) It is not the practice of the Admiralty to disclose the names of the contractors who tender for any particular work, or to make public the amounts of their tenders. The director of works and civil engineer-in-chief acts under the directions of the Board of Admiralty, who are responsible for Admiralty contracts.

Hadleigh Ray Oyster Beds.

MR. BARRIE (Londonderry, N.): To ask the President of the Local Government Board whether he is aware that the town council of Southend have agreed to pay the owner of the Hadleigh Ray oyster beds £500 per annum for four years or so long as the corporation (Southend) are permitted to discharge crude sewage into the estuary, the owner meanwhile working his beds; whether the Local Government Board can permit a continuance of this practice fraught with so much danger to the public health; whether he is aware that some £20,000 sterling have been spent by the town council of Southend in recent years in defending their practice of discharging crude sewage into the estuary; and whether, in both the interests of the public health and of the ratepayers, he can see his way to order a public inquiry.

(*Answered by Mr. John Burns.*) I have no information as to the agreement referred to, or as to the precise amount spent by the town council in defending the existing arrangements for the disposal of the sewage of the borough. It does not at present appear to me that there would be any advantage in my directing a public inquiry of the kind suggested.

Manchester Cap-Makers' Lock-out.

MR. CLYNES (Manchester, N.E.): To ask the Secretary of State for the Home Department whether his attention has been drawn to the disturbances arising from a lock-out of cap-makers in Manchester, and to serious acts of violence committed by non-union men; whether he is aware that policemen are alleged to have unduly interfered with pickets when conducting themselves peacefully in connection with the dispute; and whether he will ask for an early report on the question, with a view to some action being taken.

(*Answered by Mr. Secretary Gladstone.*) My attention has not previously been drawn to this matter, and I do not know what foundation in fact there may be for the allegations to which the hon. Member refers. I will make inquiry without delay. But I may remind the hon. Member that it is the local authority which is responsible for the maintenance of order and for the conduct of the police.

Port of Liverpool, Collector of Customs.

MR. JOWETT (Bradford, W.): To ask Mr. Chancellor of the Exchequer whether he is aware that Mr. D. P. Williams, collector, His Majesty's Customs, Port of Liverpool, will reach in November next the age limit of sixty-five fixed by the Order in Council of the 29th November, 1892, for the retirement of all civil servants; and whether it is proposed to extend his period of service, and, if so, upon what grounds.

(*Answered by Mr. Asquith.*) The officer referred to will attain the age of sixty-five on the 28th November next, and he will then retire from the service in accordance with the provisions of the Order in Council.

Cooltober School Teachers.

Mr. JOHN MURPHY: To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he will ascertain on what grounds the Commissioners of National Education refuse increments of continued good service to Mr. John Quinn, principal teacher, Cooltober national school, Arva, county Cavan, and Mr. James O'Reilly, assistant teacher, New Ross, county Wexford.

(*Answered by Mr. Birrell.*) The Commissioners of National Education have refused to award increment of continuous good service salary to Mr. John Quinn for reasons which appear to them to be sufficient. Mr. James O'Reilly was awarded an increment of such salary as from 1st November, 1906.

Dublin Resident Commission of National Education.

Mr. JOHN MURPHY: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that some years since a circular was issued by the Commissioners of National Education instructing their inspectors when in Dublin to call, if convenient, on the present resident commissioner at his office; and that several inspectors have since, in conformity with this circular, called to see the resident commissioner, and have been, without any reason assigned, refused an interview; and whether he will ascertain if the circular in question is still binding, so that inspectors may be spared the indignity of being told by the hall porters of Tyrone House that the resident commissioner declined to see them.

(*Answered by Mr. Birrell.*) The circular to which the Question refers is still in force. I am informed that the resident commissioner receives inspectors who may call upon him in conformity with his wishes as communicated in the circular, unless he happens to be engaged on important business, at the time of the inspector's visit. The resident commissioner is not aware that any inspector has been refused an interview without reason assigned.

Drogheda Estate, Evicted Tenants.

Mr. DELANY (Queen's County, Ossory): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Estates Commissioners have considered the application of Mrs. Donnelly, who claims reinstatement to a holding on the Drogheda estate, near Mountmellick, Queen's County, as representative of her father, Cornelius Bacon, the evicted tenant; and if so, with what result.

(*Answered by Mr. Birrell.*) The Estates Commissioners to not appear to have received an application for reinstatement from Mrs. Donnelly.

Mr. DELANY: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he can state what decision the Estates Commissioners have arrived at in the case of Peter Lawrence, who was evicted from a holding on the estate of Lord Drogheda, near Mountmellick, Queen's County, about twenty-two years ago.

(*Answered by Mr. Birrell.*) The Estates Commissioners have decided that they cannot interfere in this case. The holding in which the applicant seeks reinstatement has been purchased under the Land Acts by the occupying tenant, who appears to be applicant's sister.

Inspectors of Irish National School.

Mr. JOHN MURPHY: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that inspectors of national schools are prohibited, under pain of punishment, from going any distance outside their districts even between Saturday evening and Monday morning unless they have previously obtained special permission; what is the object of such a regulation in the case of men whose work is purely educational; and whether this restrictive enactment was copied from the code of the Royal Irish Constabulary.

(*Answered by Mr. Birrell.*) The Commissioners of National Education inform me that, in the interests of the public service, they do not consider it desirable to make any statement as to the nature of, or the reasons for, any disciplinary regulations which they may have framed for the proper discharge of the duties of their inspectors or other officers.

Commissioners of National Education.

MR. JOHN MURPHY: To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he can give a Return showing the ages and occupations of the Commissioners of National Education, and the ages and length of service of the higher officials acting under them.

(*Answered by Mr. Birrell.*) The Government have no record of the ages and occupations of the Commissioners of National Education. The ages and length of service of the higher officials of the Board of National Education are stated in a Return presented in pursuance of an Order of this House, namely, Return No. 8 of the present Session.

Maintenance of Irish Schools.

MR. JOHN MURPHY: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he can state the grounds on which the Treasury refused to provide the funds which the Commissioners of National Education state they asked for in their Report for the year 1906–7 in order to enable them to provide for the cleansing, heating, and repairing of schools, and the increase of initial salaries and the payment of increments; and if he can supply the exact terms of the proposals made by the Commissioners to the Treasury in respect to these matters.

(*Answered by Mr. Birrell.*) I am afraid that I cannot conveniently add anything to the Answer which I gave to the hon. Member for East Down on 14th February last. It would be contary to practice to state the terms of communications between the Treasury and other Departments, and moreover I do not see that any possible advantage could be gained by doing so in the present case.

County Associations.

MR. COURTHOPE: To ask the Secretary of State for War whether he has issued instructions to Lords-Lieutenant and others with reference to the formation of county associations; and whether he will lay these instructions upon the Table of the House.

MR. COURTHOPE: To ask the Secretary of State for War whether county associations will be formed, and will undertake the duties imposed upon them by the Territorial Forces Act, simultaneously in all counties; and, if not, in what counties will the provisions of the said Act be first applied.

MR. COURTHOPE: To ask the Secretary of State for War whether hehas appointed, or intends to appoint, a special committee at the War Office to advise and assist the county associations; and what is, or will be, the composition of such committee.

(*Answered by Mr. Secretary Haldane.*) The Lords-Lieutenant have already been invited to accept the presidencies of the associations. No instructions have been issued to them or others with reference to the formation of county associations, but it is hoped that it will shortly be possible to issue a draft model scheme for the formation of the associations for their consideration. As I have already stated, associations will, as far as possible, be formed simultaneously. A special committee, under the presidency of Lord Esher, is at present dealing with the formation of the associations, and will be in a position to give any necessary advice on the subject.

Officers and the Income-Tax.

MR. COURTHOPE: To ask the Secretary of State for War whether any instructions have been issued to officers of His Majesty's Forces relative to claims for abatement of income-tax on their pay or pensions under the provisions of the Finance Act, 1907; and, if so, whether the proper forms of claim have been supplied to, or are available for, such officers.

(*Answered by Mr. Secretary Haldane.*) A special Army Order has been promulgated on this subject, and copies are in course of distribution to the Army. The provisional forms of claims have also been issued.

QUESTIONS IN THE HOUSE.

Naval Programme.

MR. SAMUEL ROBERTS (Sheffield, Ecclesall): I beg to ask the Secretary to the Admiralty whether, in view of the resolution as to the desirability of resuming the consideration of the question of the growing expenditure on armaments carried at The Hague Conference, and in view of his announcement as to the additional battleship as part of this year's shipbuilding programme, he now proposes to proceed with the construction of such ship.

THE CIVIL LORD OF THE ADMIRALTY (Mr. LAMBERT, Devonshire, South Molton): I am afraid I can add nothing to the full statements which have already been made.

MR. SAMUEL ROBERTS: May I ask the hon. Gentleman if he considers it due to the House to answer this Question before Parliament rises?

MR. LAMBERT: If the hon. Gentleman has studied the speeches of the Secretary to the Admiralty in introducing the Navy Estimates and on Vote 8 he would have found there a clear answer.

VISCOUNT TURNOUR (Sussex, Horsham): If the Question is not answered before Parliament rises will some notification be made in the Press?

MR. SAMUEL ROBERTS: I shall repeat the Question on Monday.

The Pacific Cable.

MR. HAROLD COX (Preston): I beg to ask the Secretary to the Admiralty whether the Admiralty was at any time consulted with regard to the route to be followed by the Pacific cable; and, if so, whether he will lay upon the Table of the House the correspondence exchanged on the subject.

MR. LAMBERT: The Admiralty were consulted as to the route. The correspondence is voluminous and deals with subjects that it would be unwise to divulge.

The Coastguard.

MR. NIELD (Middlesex, Ealing): I beg to ask the Secretary to the Admiralty whether, in view of the changes which are being made in the *personnel* of the coastguard service, he will be prepared to grant a Return giving the names of the stations from which coastguardsmen have been withdrawn.

MR. LAMBERT: I will gladly give this information, but I think an unstarred Question would be more convenient than a Return.

Royal Commission on Indian Decentralisation.

*SIR CHARLES DILKE (Gloucestershire, Forest of Dean): I beg to ask the Secretary of State for India whether he is now in a position to give the terms of reference to the Royal Commission on Decentralisation and to circulate the correspondence with the Viceroy in Council as to the government of the provinces and as to the proposed formation of a Council of Notables.

THE SECRETARY OF STATE FOR INDIA (Mr. MORLEY, Montrose Burghs): Papers relating to the formation of Advisory Councils and kindred matters will, I hope, be in the hands of hon. Members by Monday evening. The King has been pleased to approve the appointment of a Royal Commission to inquire into the relations now existing, for financial and administrative purposes, between the supreme Government and the various Provincial Governments in India, and between the Provincial Governments and the authorities subordinate to them; and to report whether by measures of decentralisation or otherwise those relations can be simplified and improved, and the system of government better adapted to meet the requirements and promote the welfare of the different provinces, and, without impairing its strength and unity, to bring the executive power into closer touch with local conditions.

*SIR CHARLES DILKE: Can we have the names of the Royal Commissioners?

MR. MORLEY: I hope to give them on Monday.

Indian Military Charges.

*SIR CHARLES DILKE: I beg to ask the Secretary of State for India whether any arrangement has been come to for the inquiry as to the allocation of military charges between the India Office and the War Office.

MR. MORLEY: It has been arranged to refer this question to a Committee, constituted as follows:—Chairman, The right hon. Sir R. Romer, G.C.B.; Members, Lord Welby, G.C.B.; The right hon. Gerald Balfour; and, representing the War Office, General Sir W. G. Nicholson, K.C.B., and Sir G. Fleetwood Wilson, K.C.B.; and representing the India Office, Sir John Edge K.C., and Lieutenant-General Sir Beauchamp Duff, K.C.B., K.C.V.O. It is expected that the Committee will commence its sittings this autumn.

MR. AUSTEN CHAMBERLAIN (Worcestershire, E.) asked whether another Office much concerned in this matter—the Treasury—might not have a representative on the Committee.

MR. MORLEY: I have always found that the Treasury is extremely capable of taking care of itself.

Calcutta Libel Action.

MR. HAROLD COX: I beg to ask the Secretary of State for India whether his attention has been called to the dissatisfaction expressed in Calcutta at the action of the Lieutenant-Governor in secretly maintaining with public funds a private action for libel instituted by certain police officers against the Indian *Daily News*; and whether, for the future guidance of Governors and Lieutenant-Governors in India, he will issue general instructions that where accusations are made against the police or other Government servants the Government shall itself proceed against the accusers, or shall itself take other public measures to investigate the accusation, but that in no case shall the money of the Indian taxpayer be employed for the secret maintenance of private libel actions.

MR. MORLEY: My attention has been drawn to the published reports of the case referred to. As I have already explained in previous Answers, the Government of Bengal acted in accordance with the ordinary rules, and I am not aware that there was any special secrecy in the matter. The question whether Government should allow its officers to take action in vindication of their official conduct, or should adopt the much more formidable course of taking action itself, must be decided on a consideration of all the circumstances of each case as it arises, and I do not propose to lay down any general rule. I may remind my hon. friend that the cost falls on the taxpayer whichever course is adopted.

Venezuelan Rubber Dispute.

MR. PIKE PEASE (Darlington): I beg to ask the Secretary of State for Foreign Affairs whether he has any information with regard to the reports from Georgetown, on the Venezuelan frontier, in regard to the alleged taking of rubber in British territory by Venezuelans; and whether a British force entered Venezuelan territory and demanded the surrender of 40,000 lbs. of rubber.

THE UNDER-SECRETARY OF STATE FOR THE COLONIES (Mr. CHURCHILL, Manchester, N.W.): My right hon. friend has requested me to answer this Question. I can only refer to the reply which I made yesterday to the hon. Members for Mid. Armagh and West Lanarkshire, to the effect that the Governor is making inquiries and will send home a full report.

MR. MITCHELL-THOMSON (Lanarkshire, N.W.): Has the report been asked for by cable or post?

MR. CHURCHILL: By cable. I do not think there is any reason to assign undue importance to the incident.

Asiatic Registration Act in the Transvaal.

MR. HAROLD COX: I beg to ask the Under-Secretary of State for the Colonies whether, in view of the fact that General Botha has not seen his way to the carrying out of his promise to modify the regulations and soften the rigour of the Asiatic Registration Act, the

Secretary of State will suggest that compensation be paid, out of the proceeds of the guaranteed loan, to those Indian merchants who may be willing to retire from the Transvaal rather than undergo the humiliations imposed by the Act.

Mr. CHURCHILL: The hon. Member will see by reference to page 9 of Paper 65 printed by order of the House of Lords that he does not quite correctly describe the attitude of General Botha. The Secretary of State has no official intimation that any Indian merchants propose to retire from the Transvaal, and in any case does not see his way to make the desired suggestion in view of the fact that he has already stated that he does not regard the matter of identification by finger prints as objectionable in itself and has not felt able to press the Transvaal Ministers further to reconsider their decision.

Mr. BYLES (Salford, N.) asked whether the Government had washed their hands of all responsibility in this matter and considered the effect which these regulations were likely to have on the loyal feeling of our subjects in India.

Mr. CHURCHILL said that the Government were far from washing their hands of this question. The Government would do what they could from time to time with the resources at their disposal.

Mr. J. M. ROBERTSON (Northumberland, Tyneside): Would whites submit to the finger test?

Mr. CHURCHILL: Perhaps not.

Mortality among Mine Labourers in the Transvaal.

Sir GILBERT PARKER (Gravesend): I beg to ask the Under-Secretary of State for the Colonies what was the rate of mortality among the Kaffirs and among the Chinese, respectively, for the first six months of this year.

Mr. CHURCHILL: For the first three months of the year the average rate of mortality per 1,000 per annum was—Kaffirs, 31·661; Chinese, 16·375. The figure for whites was 20·051. Official figures for a later period are not available for Kaffirs; the average mortality for Chinese for the first six months of this year is 15·657. But in comparing the Mortality Returns of Chinese with Kaffirs some regard must be paid to the fact that a certain number of Chinese are repatriated as physically incapable. I notice that in the Report of the Superintendent of Foreign Labour for 1905–6 (page 32 of Cd. 3,338) it is stated that for that year those repatriated as physically incapable were 1,840 as compared with a total number of deaths, 935.

Sir GILBERT PARKER: Is any record kept in the Kaffir Return of the number of natives from British Central Africa?

An HON. MEMBER: They do not care about Kaffirs.

Mr. CHURCHILL: A careful record is kept of natives from British Central Africa. Whether a record is kept of Kaffirs who return to private life in their kraals, I do not think that is done, because naturally a Kaffir having taken his discharge goes back to his home. In regard to a remark I overheard to the effect that we do not care what happens to the Kaffirs, that is a gross and unfounded accusation.

Lord R. CECIL (Marylebone, E.): Are any pains take to prevent Kaffirs who are unfit to work in the mines?

Mr. CHURCHILL: Yes, there are all sorts of precautions taken for the protection of the Kaffirs in the mines, and they have been steadily elaborated from month to month as experience has shown to be necessary.

Lord R. CECIL: And yet the death rate among them is higher than among the Chinese.

Mr. CHURCHILL: For this reason numbers of Chinese who would have died had they served their full indentures go home before the time expires and die on board ship. Often they only serve six or twelve months.

Crimes by Chinese Coolies in South Africa.

*Mr. REES (Montgomery Boroughs): I beg to ask the Under-Secretary of

State for the Colonies whether he will state how many of the total number of crimes committed in South Africa by Chinese coolies up to 31st July, 1907, were technical crimes and actually breaches of the Labour Ordinance, and how many were crimes in the usual acceptation of the term; how the record of Chinese coolies in this behalf, and subject to this explanation, compares with the record of other than Chinese inhabitants of South Africa for the same period; and what is the figure per mille of crime to population in either case.

MR. CHURCHILL: Information as to the crimes committed by Chinese coolies in the Transvaal is only available up to 31st January, 1907. The crimes are classified in the monthly Returns which have been presented to Parliament, and to which I would refer the hon. Member. No classification of crimes is kept by the Transvaal Prisons Department, but a classification of sentences has been received, showing the number of Europeans, natives, Indians, and Chinese confined in Transvaal prisons on 30th June, 1906, and their sentences. Taking all sentences, the proportion to population per 1,000 shows the Chinese proportion to be about six times that of other races; but taking serious crimes—*i.e.*, sentences of six months and over—the proportion is for European males, 3·35 per 1,000; for Chinese males, 4·36 per 1,000.

*MR. REES: Do these figures include technical offences against the British Labour Ordinance?

MR. CHURCHILL: Of course they include offences against the Labour Ordinance if they are punished by imprisonment.

SIR GILBERT PARKER: Do I understand that the Return does not give the offences for which Chinamen are sentenced? In view of the fact that the records presented to this House contained an exact statement of the offences, misdemeanours or crimes committed, will the right hon. Gentleman see if he can get further Returns from the Transvaal to coincide with them?

MR. CHURCHILL said the Returns published by the Government in the Transvaal might possibly not be so full and elaborate as the Returns prepared by the Crown Colony officials under home instructions and in response to pressing inquiries in the House of Commons. He would be glad to suggest to the Secretary of State the propriety of making a request to the Transvaal Government with regard to continuing the records in question, but such requests ought to be limited. They ought not to send requests for information day by day.

MR. MYER (Lambeth N.): The right hon. Gentleman has given no information as to crime among the British Indian subjects.

MR. CHURCHILL: My Answer contains none.

MR. SWIFT MACNEILL (Donegal, S.): Am I mistaken in supposing that the Transvaal is a self-governing Colony?

MR. CHURCHILL: No, Sir.

SIR GILBERT PARKER: I do not want to press the right hon. Gentleman unduly, but will he request the Transvaal Government to differentiate between actual crime and offences against the Labour Ordinances and regulations.

*MR. SPEAKER: Order, order. There must be some limit to this questioning.

Repatriation of Chinese from the Transvaal.

MR. MACKARNESS (Berkshire, Newbury): I beg to ask the Under-Secretary of State for the Colonies whether he can now state the number of Chinese coolies working in the Transvaal gold mines whose contracts have already expired, and on what date it is intended to send them back to China, and in what ship.

MR. CHURCHILL: No, Sir. A despatch of inquiry has been addressed to the Governor.

MR. MACKARNESS: Will the right hon. Gentleman be able to lay it before the House rises?

MR. CHURCHILL: I hope so.

The Colonies and the Sugar Convention.

MR. MITCHELL-THOMSON: I beg to ask the Under-Secretary of State for the Colonies whether he will cause to be published the resolutions relative to the attitude of His Majesty's Government with regard to the Sugar Convention which have been received from bodies in the Colonies since the publication of Cd. 3565 of 1907, together with the covering despatches forwarding these resolutions.

MR. CHURCHILL: There will probably be more resolutions with relative correspondence and the Secretary of State is unwilling to incur the expense of printing in instalments. I shall be happy to supply the hon. Member with a list of the resolutions if he desires it.

MR. MITCHELL-THOMSON: May I ask if after a lapse of two or three months the resolutions received will be printed together with the dispatches?

MR. CHURCHILL: I will consider that.

Discharged Transvaal Civil Servants.

MR. WEDGWOOD (Newcastle-under-Lyme): I beg to ask the Under-Secretary of State for the Colonies whether other Government Departments besides the Colonial Office will co-operate in finding places for those civil servants who have been discharged from the Transvaal during the last four months, especially for those who have been discharged expressly because they were not eligble for pensions in case of dismissal.

MR. CHURCHILL: The Secretary of State does not think that the probability of other Departments in the Home Service being able to absorb any of the officials in question is sufficient to justify application to those Departments except in very special cases, which would, of course, be considered on their merits as they occur.

VISCOUNT TURNOUR: Can the right hon. Gentleman give the House any idea of the number discharged who have not yet been able to obtain fresh positions?

MR. CHURCHILL: No, Sir.

Transvaal Indentured Labour Bill.

MR. WALSH (Lancashire, Ince): I beg to ask the Under-Secretary of State for the Colonies if he can state when he will be in a position to inform the House of the details of the indentured labour legislation recently introduced in the Transvaal Parliament.

MR. CHURCHILL: The Secretary of State has telegraphed for the details and I hope to be able to supply the information before the House arises.

West Indian Imports to Venezuela.

MR. MITCHELL-THOMSON: I beg toask the Secretary of State for Foreign Affairs whether he will lay Papers to show the progress of negotiations with the Venezuelan Government, with a view to securing the removal of the surtax of 30 per cent. on imports from the West Indian islands.

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir EDWARD GREY, Northumberland, Berwick): His Majesty's Minister has not relaxed his efforts to induce the Venezuelan Government to remit the surtax, but hitherto without success. I do not think that any useful purpose would be served by laying Papers on the subject.

Hague Conference Papers.

MR. SAMUEL ROBERTS: I beg to ask the Secretary of State for Foreign Affairs if Papers will shortly be laid dealing with the Hague Conference.

SIR EDWARD GREY: Papers will be laid in due course, when the Conference has terminated its labours.

Turkish Raids into Persian Territory.

MR. ASHLEY (Lancashire, Blackpool): I beg to ask the Secretary of State for Foreign Affairs whether he has any official information with reference to the advance of Turkish troops into Persian territory; and whether any order for their recall has been given.

SIR EDWARD GREY: I beg to refer the hon. Member to the Answer given yesterday to the hon. Member for Mid. Armagh.

MR. ASHLEY: Has an order for the recall of the troops been given?

Sir EDWARD GREY: The Answer I gave yesterday was to the effect that it had, and that further representations were being made by His Majesty's Ambassador.

Macedonian Murders.

Mr. T. P. O'CONNOR (Liverpool, Scotland): I beg to ask the Secretary of State for Foreign Affairs if the Government will have prepared and published statistics of the number of deaths and acts of violence perpetrated in Macedonia from the year 1899 to 1906, with particulars as to the number and nationality of the bands by which these acts were committed.

Sir EDWARD GREY: I must refer the hon. Member to the Answer given to the Question asked by the hon. Member for Ripon on the 22nd April last,† in which I stated that no complete records of these occurrences were available previous to December, 1905, and furnished statistics of the deaths by violence which had occurred from that month up to the end of February of the current year.

Bombardment of Casa Blanca.

Mr. BYLES: I beg to ask the Secretary of State for Foreign Affairs if the British Government secured any guarantee of compensation for damage to the property of British subjects before the bombardment and occupation of Casa Blanca took place; and whether the interests of British traders were in any way protected.

Sir EDWARD GREY: The hon. Member must recognise from the circumstances in which the bombardment of Casa Blanca took place that nobody could have any opportunity of securing beforehand any guarantee of the nature to which he refers. I understand that all the protection that was possible under the circumstances has been afforded by the French and Spanish forces impartially to the interests of all Europeans, irrespective of nationality.

Mr. BYLES: Will British traders have to bear their own losses?

Sir EDWARD GREY: Protection was afforded to all interests impartially.

Morocco—International Police Force.

Mr. ASHLEY: I beg to ask the Secretary of State for Foreign Affairs what progress has been made in the creation of an international police force in the coast towns of Morocco.

Sir EDWARD GREY: The position as regards the police force contemplated by the Algeciras Act is as follows—The Inspector-General and the French and Spanish instructors have been selected and their appointments have been approved by the Sultan. The regulations provided for under Article 4 of the Algeciras Act have been drawn up and agreed to by the foreign Powers, and are at present awaiting the Sultan's approval.

Mr. ASHLEY: Are we to understand that until this police force is organised the interests of British subjects will be entrusted to the chance protection of French or Spanish warships?

Sir EDWARD GREY: The French and Spaniards are providing for the protection of the ports until the police force contemplated can be called into being.

Girls' Schools at Khartoum.

Mr. J. M. ROBERTSON: I beg to ask the Secretary of State for Foreign Affairs whether he is yet in a position to give the House any information as to the schools for girls at Khartoum, appropriation of land there by the Soudan Government, and the possible application of Wakf property to purposes of education.

Sir EDWARD GREY: As this Answer is a very long one, I hope the hon. Member will allow me to circulate it with the Votes.

Mr. J. M. ROBERTSON: Certainly.

Egyptian Civil Service.

Mr. J. M. ROBERTSON: I beg to ask the Secretary of State for Foreign Affairs whether he can now state the constitution of the board for selecting candidates for the Egyptian Civil Service, and give details as to the candidates selected.

Sir EDWARD GREY: The report asked for on this subject has not yet been received from His Majesty's Acting Agent and Consul-General at Cairo.

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† See (4) *Debates*, clxxii., 1393.

Egyptian Factory Legislation.

MR. J. M. ROBERTSON: I beg to ask the Secretary of State for Foreign Affairs whether he has yet any information as to the practicability of obtaining from the Egyptian Court of Appeal power to apply Egyptian factory legislation to Europeans within the limits of police law.

SIR EDWARD GREY: The report asked for on this subject has not yet been received from His Majesty's Acting Agent and Consul-General at Cairo.

Egyptian Ministry of Public Instruction—British Officials and the Arabic Language.

MR. J. M. ROBERTSON: I beg to ask the Secretary of State for Foreign Affairs whether he can now state what knowledge of Arabic is required of British officials under the Egyptian Ministry of Public Instruction and give the statistics of the examination; and can he also give any information as to the rate of pension and salaries payable to native and British Judges respectively, and as to the inspectors appointed in the Slave Trade Repression Department in Egypt.

SIR EDWARD GREY: I propose to circulate the Answer to this Question with the Votes.

Newfoundland Fisheries Dispute.

SIR GILBERT PARKER: I beg to ask the Under-Secretary of State for the Colonies whether a *modus vivendi* has been proposed to the United States in regard to the Newfoundland fisheries by this Government; and, if so, will he state what are the terms of the *modus vivendi* and if they have had the approval of the Newfoundland Government.

SIR EDWARD GREY: Negotiations are still proceeding, but in their present stage His Majesty's Government are unable to give any information beyond that which has been already given in reply to previous Questions on the subject.

SIR GILBERT PARKER: Will the terms of the *modus vivendi* be submitted to the Newfoundland Government?

SIR EDWARD GREY: Negotiations are passing with the Newfoundland and United States Governments at the present time.

British Commercial Agents Abroad.

MR. MADDISON (Burnley): I beg to ask the President of the Board of Trade whether, in the event of giving effect to the recommendations of the Report of Sir Eldon Gorst and Mr. Llewellyn Smith with respect to commercial agents abroad, he will consider the advisability of including in the staff an official competent to inquire into labour conditions in the great manufacturing countries on the lines of the Labour Department of the Board of Trade.

SIR EDWARD GREY: I find that the object aimed at by my hon. friend is already attained. I understand that the staff of the Labour Department of the Board of Trade already includes expert investigators competent to carry out inquiries of the nature suggested, and that inquiries are at present being made by them with regard to labour conditions in Germany and France. Such investigations are carried out in co-operation with His Majesty's representatives abroad.

The Bahr-el-Ghazel.

MR. PIKE PEASE: I beg to ask the Secretary of State for Foreign Affairs whether he is now able to state whether Meridi has been evacuated; and, if so, on what date.

SIR EDWARD GREY: His Majesty's Agent and Consul-General at Cairo reported on 21st June last that all posts in the Bahr-el-Ghazal held by Congolese troops were evacuated by the 3rd of that month.

The Truck Acts.

MR. ARTHUR HENDERSON (Durham, Barnard Castle): I beg to ask the Secretary of State for the Home Department whether his attention has been called to cases in which employers of labour are establishing the custom of making weekly deductions from workers' wages to meet the cost of insurance against the Workmen's Compensation Act; and whether, in view of the provisions of the Truck Act and of the Workmen's Compensation Act respecting contracting-out schemes, he proposes to take any action in the matter.

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. GLADSTONE, Leeds, W.): My attention has been called to some cases in which deductions have been made for the purpose mentioned in the Question. As the hon. Member is aware, a Committee is now engaged in inquiring into the working of the Truck Acts, and I am informed that they have taken evidence on this point. I expect to receive their Report before long, and will then give the matter my careful consideration.

Hoxton Crippled Girls Factory.

MR. CHIOZZA MONEY (Paddington, N.): I beg to ask the Secretary of State for the Home Department, with reference to the employment of crippled girls at Hoxton to work normal factory hours for 3s. to 5s. a week, whether he proposes to take any steps to prevent the precedent of working cripples for full factory hours; whether he can describe the physical condition of the girls who have been certified by the certifying surgeon to work such hours; whether he will take any action upon the certificate granted by a certifying surgeon in this case; and whether he will inform the House of the contents of any reports made by the lady factory inspectors in this particular case.

*MR. GLADSTONE: The question of the fitness of these workers to continue work for the ordinary factory hours is one for the certifying surgeon, who has full power either to refuse a certificate or to qualify his certificate by conditions. In two cases he has certified girls as fit for half-time employment only, and has also advised that a woman should work half-time. As regards the present condition of the workers, I am informed that the disease which caused the crippling is either healed or quiescent. I may add that I am informed that arrangements have been made for the certifying surgeon to examine all the workers once a fortnight. When I have received the additional reports for which I have called I will consider whether any further action is necessary. As regards the last paragraph of the Question, the reports of inspectors are invariably treated as confidential, but I should, of course, be prepared to consider any request for information that may be made to me.

MR. CHIOZZA MONEY: Is it not the case that these crippled girls work in an underground factory?

MR. GLADSTONE: Yes, but it is not against the Factory Acts. Some defects have been discovered, and I hope other arrangements will be made. I am glad my hon. friend has called attention to the matter.

MR. CURRAN (Durham, Jarrow) asked if it was not a very prevalent custom for people interested in public institutions to have children to work for the purpose of competing with the children of parents who were endeavouring to bring them up in an honest way, and if public subscriptions were not solicited for that purpose.

MR. GLADSTONE replied he was aware that such cases existed, and if any could be brought to his knowledge he would have them fully inquired into.

Metropolitan Police.

DR. COOPER (Southwark, Bermondsey): I beg to ask the Secretary of State for the Home Department whether a military man has been appointed recently to the position of chief constable of the Metropolitan police; whether the gentleman appointed has had any previous experience of police work; and whether, before making this appointment, any consideration was given to the advisability of promoting to the position one of the present superintendents or appointing a person trained in the police work of a large city.

MR. GLADSTONE: Yes, Sir. Colonel Edwards was appointed chief constable in 1906. He had had previous police experience as a divisional commandant of South African Constabulary, besides having held several appointments of great responsibility in the course of his military career. Before any appointment of the kind is made the question is thoroughly considered in all its bearings.

Motor Bus Casualties.

MR. BOWERMAN (Deptford): I beg to ask the Secretary of State for the Home Department whether his attention has been called to the inconvenience caused to traffic in the City of London through the breakdown of a motor omnibus in Fleet Street at about 11 o'clock p.m. on Thursday last, such derelict omnibus not being removed until after dinner-time on the following day, a period of over twelve hours; and, seeing that this is an example of the manner in which the companies have made arrangements for the removal of such obstructions to traffic, whether the police will be instructed to report instances in which broken-down motor omnibuses are allowed to obstruct the roadway for prolonged and unreasonable periods, with a view to some action being taken against the companies concerned in order that such inconvenience to traffic may be minimised, particularly in such narrow and congested thoroughfares as Fleet Street and others within the City boundary.

MR. GLADSTONE: I am informed that the motor omnibus in question broke down at 12.15 a.m., the rear-axle being fractured; that the employees of the London Road Car Company began repairs at 10.30 a.m. and that the omnibus was removed at 2 p.m. All such cases are observed and reported on by the police; and proceedings have been successfully instituted in case of unreasonable delay in removing the cause of obstruction.

South Western Police Court—Case of Albert Smith.

MR. BOWERMAN: I beg to ask the Secretary of State for the Home Department whether his attention has been drawn to a case tried before the magistrate sitting at the South-Western Court on Friday, 9th August, in which the prisoner, Albert Smith, charged with disorderly behaviour, alleged that the constable concerned in the case was drinking outside a public-house, and struck him without any provocation; whether the magistrate, despite the fact that the prisoner's statement was supported by the evidence of two witnesses, declined to accept such evidence; and whether, in justice to all concerned, he will cause inquiry to be made into the matter.

MR. GLADSTONE: I have made full inquiries into this case, and I am satisfied that the conviction was right and that there was no ground for the allegations which were made against the police.

Clauchland Point, Arran.

MR. LAMONT (Buteshire): I beg to ask the President of the Board of Trade whether he is aware of the urgency of establishing a lighted buoy or beacon on the southern extremity of Clauchland Point in the Island of Arran; and whether he will recommend to the Northern Lights Commissioners that they should include the cost of its erection in their Estimates for 1908–9.

THE PARLIAMENTARY SECRETARY TO THE BOARD OF TRADE (Mr. KEARLEY, Devonport): The importance of establishing such a light has been more than once urged upon the Board of Trade, and my right hon. friend will be happy to communicate with the Commissioners of Northern Lighthouses as the hon. Member suggests.

Brake Accidents on Railways.

MR. WALSH: I beg to ask the President of the Board of Trade if he can give the number of fatal and non-fatal accidents during the three years, 1904–5–6, arising from the use of a brake-stick by the workman in pinning down the brake, and from the pressure of the workman's body upon the brake for the same purpose; and if he is able to give the number occurring on private sidings and on railway companies' lines respectively.

MR. KEARLEY: No separate record has been kept of such accidents for 1904 and 1905, but in 1906 no fatal and fifty-three non-fatal accidents to railway servants whilst using a brake-stick were reported to the Board of Trade. I have no information as to the number of these due to the pressure of the man's body on the brake-stick or as to the number of accidents in private sidings to persons other than the servants of a railway company.

Excessive Working Hours.

MR. T. F. RICHARDS (Wolverhampton, W.): I beg to ask the President of the Board of Trade whether he is aware that eight dining-car attendants signed on duty at Euston station on Friday, 9th August, at 9 a.m. and signed off at 9 p.m. on Saturday, 10th August, working in all some thirty-six hours, and that one of these attendants was a youth sixteen years of age; whether these employees were paid for overtime; and, if so, at what rate; and whether, under these circumstances, he will introduce some Amendment to the Railway Regulations (Hours of Labour) Act, 1893, to prevent a recurrence of such matters in future.

MR. KEARLEY: The Board of Trade will communicate with the railway company on the subject, and I will inform the hon. Member of the result.

MR. AUSTEN CHAMBERLAIN: Will the Board of Trade take into consideration the hours worked by the staff employed in this House—and in particular by the female attendants in the tea-room, and make representations to the authorities concerned?

MR. KEARLEY: This department does not come under the supervision of the Board of Trade.

Diphtheria Anti-toxin.

MR. ASHLEY: I beg to ask the President of the Local Government Board whether he is in a position to make any statement with reference to the supply of diphtheria anti-toxin on the part of local authorities for the treatment of those who are not in a position to buy it themselves; and whether he will draw the attention of the local authorities to the power given them under Section 133 of the Public Health Act, 1875, 38 and 39 Vic., c. 55, which enables them to provide medicine and medical assistance to the poor of their districts.

*THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. JOHN BURNS, Battersea): I am advised that the enactment to which my hon. friend refers, and a similar enactment in the Public Health (London) Act, 1891, enable sanitary authorities, with the sanction of the Local Government Board, to provide a temporary supply of diphtheria antitoxin for the poorer inhabitants of their districts, and medical assistance in connection therewith. I propose to issue a general Order giving sanction to such provision by sanitary authorities subject to suitable conditions. The Order is in preparation.

The Aged and Deserving Poor in Workhouses.

MR. CLYNES (Manchester, N.E.): I beg to ask the President of the Local Government Board respecting the circular issued by his Department in August, 1900, stating that aged deserving persons should not be urged to enter the workhouse at all, but should be relieved by having adequate outdoor relief granted to them, whether his information shows that guardians act upon the circular; and whether pending other promised provision for the aged poor, he will consider the issue of a further circular to guardians suggesting reasonable outdoor assistance sufficient to meet the costs of shelter and food in these cases.

*MR. JOHN BURNS: The view expressed in the circular was, I think, somewhat more restricted than that stated in the Question. My information tends to show that action has been taken as the result of it. I think that any question of issuing any further circular on the subject to which my hon. friend refers should be deferred pending the Report of the Royal Commission on the Poor Law.

MR. CLYNES: Is the right hon. Gentleman aware I have quoted his exact words from the circular?

*MR. JOHN BURNS: I shall be pleased to hand the hon. Member a copy of the original circular, which I think he will find bears out my interpretation.

Metropolitan Poor Fund Receivership.

DR. COOPER: I beg to ask the President of the Local Government Board whether the Receivership of the Metropolitan Poor Fund is a poor law appointment, and comes under the rule as to compulsory retirement at sixty-five years of age; and, if so, whether there are any reasons while the rule is suspended in the case of the present Receiver.

*MR. JOHN BURNS: There is no rule requiring the Receiver to retire at the age of sixty-five.

DR. COOPER: Is it a Poor Law appointment?

*MR. JOHN BURNS: No, it is not.

Cost of Poor Law Administration.

MR. PIKE PEASE: I beg to ask the President of the Local Government Board if he will state what portion of the £14,000,000 spent on Poor Law administration last year was devoted to the payment of salaries of officials.

MR. JOHN BURNS: The sum which was expended in the year ended at Lady-Day, 1906, in respect of the salaries, superannuation allowances, and rations of the officers and servants of the several Poor Law Unions, and which was included in the £14,218,598 expended in respect of the relief of the poor in that year, was £2,478,660.

Southend Medical Officer.

DR. COOPER: I beg to ask the President of the Local Government Board whether he is in a position to state the reasons why the medical officer of health of Southend has resigned his appointment; whether this resignation is in any way due to the desire of the Corporation of Southend to reduce the salary attached to this appointment; whether any reduction of salary has been sanctioned by the Local Government Board; whether the medical officer of this town has to devote the whole of his time to the duties of his office; and, if so, will the Local Government Board require such a salary being paid as will secure the appointment of a qualified and competent official.

MR. JOHN BURNS: I do not understand that this officer resigned his appointment. The period for which he was appointed expired on the 18th instant, and hence it was necessary that the appointment should be renewed or a fresh appointment made. No sanction on my part has been given to a reduction in the salary, nor had I heard anything on the subject until to-day. I have, however, this morning received a communication from the Town Clerk to the effect that the town council have re-appointed the officer for three months at £600 a year, but that they propose to advertise for applications for the post at a salary of £500 a year. I gather that the present officer declined to accept re-appointment on these terms. It is intended that the person to be appointed as medical officer of health shall also act as medical superintendent of the hospitals for infectious diseases and as medical officer of the Education Committee. Subject to this, he will be required to devote the whole of his time to his duties as medical officer of health. Whether the proposals of the Town Council are such as I can properly approve is a matter which will receive my consideration.

The London Unemployed.

MR. CARR-GOMM (Southwark, Rotherhithe): I beg to ask the President of the Local Government Board whether he will use his influence with the Central Unemployed Body in London to increase the number of labour exchange registries and enlarge the staff of these offices, so as to cope with the distress which arises during the winter months, especially among the casual waterside labourers; and whether he will issue circulars to employers of labour, especially along the riverside, in order that there may be greater knowledge and co-operation in this scheme.

MR. JOHN BURNS: The Unemployed Workmen Act enables the Central Unemployed Body to deal with this matter, and I will bring the suggestion of my hon. friend under their notice. Any circulars of the kind referred to in the last part of the Question should, I think, be issued by them.

MR. CARR-GOMM: Will the right hon. Gentleman consider the advisability of calling a conference of representative officers of the various organisations in order to fix the staff before the coming winter?

MR. JOHN BURNS: I will consider that suggestion.

MR. MARKHAM (Nottinghamshire, Mansfield): Do not the trade unions object to employers of labour employing the unemployed?

MR. LEA (St. Pancras, E.): Will the right hon. Gentleman consider the desirability of establishing more than three workshops for women in London during the coming winter?

MR. JOHN BURNS: That depends on the circumstances of the time.

Labour Bureaux.

MR. ALDEN (Middlesex, Tottenham): I beg to ask the President of the Local Government Board whether he is aware that during the month of July last 3·7 per cent. of the members of the trade unions making returns were described as unemployed; that the total number of situations filled by labour bureaux during the same period in London and the provinces was 2,952, being 28 per cent. of the applications received; that the municipal bureau of Munich alone finds employment for over 4,000 applicants per month, or 60 per cent. of the applications received; and whether, under the circumstances, he would encourage, by every means in his power, the better organisation of these institutions in England, with a view to the assistance of the unemployed.

MR. JOHN BURNS: I am aware of the facts stated in the Question. I shall be ready to consider any suitable suggestions which my hon friend may wish to make for the purpose which he has in view.

MR. CURRAN asked if employers of labour did not utilise the glut in the labour market to get work performed at starvation rates of wages.

[No Answer was returned.]

MR. ALDEN: Will the right hon. Gentleman send a representative to Germany to study the working of the labour bureaux there.

MR. JOHN BURNS: I hope to go there myself.

Hampstead Sorting Office.

MR. C. DUNCAN (Barrow-in-Furness): I beg to ask the Postmaster-General whether his attention has been drawn to the petitions from the staff of the Hampstead Sorting Office asking for a revision of the duties at that office; and, if not, will he make inquiries, with a view to such action being taken as will allay the present grievance of the men concerned.

THE POSTMASTER GENERAL (Mr. SYDNEY BUXTON, Tower Hamlets, Poplar): I have not received any representation from the staff of the Hampstead Sorting Office respecting their duties, but the matter was discussed between them and their Postmaster. A revision of force is now under consideration, and the hon. Member may rest assured that in reviewing the arrangement of the duties the representations made by the staff will be given due weight.

Montgomeryshire Border School Children.

*MR. REES: I beg to ask the President of the Board of Education whether Montgomeryshire children are to be excluded from the non-provided school upon the Shropshire border at Llanymynech and sent to Llandysilio, in the school of which village, which is upwards of a mile from Llanymynech, there is no room for them; and whether he will represent to the Shropshire authority the desirability of enlarging the Llanymynech School if it is too small, in order to the maintenance of the arrangement whereby the schools of either county take in the children of either county without charge.

THE PRESIDENT OF THE BOARD OF EDUCATION (Mr. MCKENNA, Monmouthshire, N.): I have communicated with both local authorities concerned suggesting a conference before any decisive action is taken, with a view, if possible, of coming to some arrangement whereby the necessity of excluding any large number of children may be avoided.

School Inspectors' Duties.

SIR G. KEKEWICH (Exeter): I beg to ask the President of the Board of Education, at what date, on whose authority, and for what reason, the paragraph permitting first-class sub-inspectors to perform all the duties hitherto allotted to second inspectors, with the exception of signing reports, was omitted from the form or circular issued to those officers on their promotion.

MR. MCKENNA: The paragraph was struck out on 4th January, 1902, by the authority of the Board of Education for the time being, at a time when my hon. friend was Permanent Secretary of that Board. Presumably it was struck out because it was no longer required.

Education Building Grant.

MR. SAMUEL ROBERTS: I beg to ask the President of the Board of Education if the new schools to be erected under the special grant of £100,000 will belong to the Board of Education or to the local education authorities.

Mr. McKENNA: The schools in question will belong to the local education authority, but Section 7 of the Regulations makes provision for the repayment of the building grant, in the event of the Board so requiring, if the building is used for purposes other than those of a public elementary school at any time or in any manner which will interfere with the work of a public elementary school, or if the school ceases to be recognised as a public elementary school.

Mr. REES: Will the grant be distributed in lumps or doled out as applications come in? Will Wales receive a fixed grant out of it?

Mr. McKENNA asked for notice.

Over Peover School.

Mr. KING (Cheshire, Knutsford): I beg to ask the President of the Board of Education whether he is aware that on 22nd December, 1905, the governors of Over Peover endowed school passed a resolution in favour of transferring to the estate of the late Sir Philip Mainwaring a plot of land attached to the school which had been held by the governors for the purposes of a school garden since 1874; that the parish council of Over Peover dispute the power of the governors to make this transfer; that the resolution of the governors was only carried by a majority of two, and that of the governors present and voting in the majority, two were members of the Mainwaring family; and whether he proposes to hold a public inquiry into the matter in dispute.

Mr. McKENNA: This matter is now engaging the attention of the Board, but I am not in a position to make any statement on the subject.

Mortomley Catholic School.

Mr. BOLAND (Kerry, S.): I beg to ask the President of the Board of Education whether he has taken steps to acquaint the managers of the Mortomley Catholic School with the decision of the Board of Education; and what further steps has he taken to compel the local education authority to hand over the salaries due to the teachers.

Mr. McKENNA: I have informed the local authority that the requirements of the Board of Education as to the playground of this school have been complied with so far as is at present possible, and a copy of this letter was sent to the managers of the school. I have been informed that the local authority would pay the sums due to the teachers, and I can only suppose that any delay which has occurred in so doing is attributable to the holidays. I do not think any further action on my part will be called for.

Mr. BOLAND: Can the right hon. Gentleman confirm the rumour that the money has actually been paid?

Mr. McKENNA: I should think it highly probable. I am expecting a telegram on the point.

Abstractor Class Clerks.

Mr. CURRAN: I beg to ask the Secretary to the Treasury if he will state the present number of senior assistant clerks of the abstractor class; and how many members of that grade with twenty years service and upwards have been promoted to the Second Division or other grades since the present Government came into office.

The FINANCIAL SECRETARY to the TREASURY (Mr. Runciman, Dewsbury): I have no information on the first part of the Question beyond that given in the published Estimates. As regards the second part the Civil Service Commissioners inform me that since the present Government came into office the following promotions have been made of Assistant Clerks (Old Class) with twenty years service and upwards, viz.:—To the Second Division, 16; to other Grades, 12. Total 28.

Treasury Consultative Committee.

Mr. SNOWDEN (Blackburn): I beg to ask the Secretary to the Treasury, if he is aware that by Order in Council, dated 12th August, 1890, the Commissioners of the Treasury are required to appoint at the beginning of each calendar year four principal officers of Public Departments to serve as a consultative committee upon questions of staff, salary, and organisation; will he say who are the members of this committee for the present year, and also on how many occasions during the last fifteen years the committee has been constituted; and, if there have been any years when it has not been appointed, will he state why the Commissioners of the Treasury have not carried out the definite instructions of the Order in Council.

MR. RUNCIMAN: No occasion has arisen for the services of the Committee in question for several years past, and the Treasury therefore considered it unnecessary to nominate any members.

The Parliamentary Debates Contract.

MR. WILLIAM REDMOND (Clare, E.): I beg to ask the Secretary to the Treasury whether, in renewing the contract for the ensuing session for the reporting and printing of the Parliamentary Debates, the Government will have due regard to the recommendation of the Select Committee which considered the matter that the claims of the existing reportorial staff should not be overlooked in any fresh arrangement which might be made by the Government.

MR. RUNCIMAN: The arrangement made for next session is, in effect, an extension of the existing contract. I read the recommendation of the Select Committee as applying to a new system of reporting of the kind contemplated in their Report.

English Blood Cattle in Argentina.

MR. VINCENT KENNEDY (Cavan, W.): I beg to ask the hon. Member for South Somerset, as representing the President of the Board of Agriculture, if he will say whether the recent practices in connection with the exportation of English blood cattle to Argentina have come under his notice; will he say what new steps have been taken to deal with the spread of tuberculosis in that country owing to these practices; and further, as the tuberculine test has admittedly broken down, can the importation of cattle into this country, possibly consumed with tuberculosis, be effectually guarded against.

THE TREASURER OF THE HOUSEHOLD (Sir EDWARD STRACHEY, Somersetshire, S.): The Answer to the first part of my hon. friend's Question is in the affirmative. I understand that in consequence of the malpractices which have been discovered, the Argentine Government propose to take over the quarantine station and make it a Government institution, to control the importation and sale of tuberculine, and to increase the penalties for infringements of the Animal Sanitary Law. With regard to the last part of my hon. friend's Question, I may point out that the statutory requirement of slaughter at the ports of all animals imported into this country affords a safeguard against the introduction of tuberculous cattle.

Duke of York's School.

MAJOR COATES (Lewisham): I beg to ask the First Commissioner of Works when an announcement will be made as to the disposal of the site of the Duke of York's School.

THE FIRST COMMISSIONER OF WORKS (Mr. HARCOURT, Lancashire, Rossendale): I have not yet seen the Report of the Committee on this question, and cannot make any statement until the matter has been further considered.

War Office Buildings in Pall Mall.

MAJOR COATES: I beg to ask the First Commissioner of Works what rental, if any, is now being paid for the War Office buildings in Pall Mall; and when he can state the policy of the Government in regard to the disposal of the site.

MR. HARCOURT: The old War Office buildings in Pall Mall are Crown property, and the ultimate disposal of the site will rest with the Commissioners of Woods, Forests, and Land Revenues, under the direction of the Treasury, and not with my Department. For the portion of the property still hired by my Department from the Office of Woods a rent of £380 15s. per annum is being paid under an unexpired lease.

Scottish Missive System.

MR. C. E. PRICE (Edinburgh, Central): I beg to ask the Secretary for Scotland whether the Report of the Commission appointed to inquire into the missive system in Scotland will be issued before the end of the Session.

THE SECRETARY FOR SCOTLAND (Mr. SINCLAIR, Forfarshire): I have now received the Report. It shall be presented without delay and then sent to the printers.

Anti-Catholic Lectures in Ayrshire.

MR. J. MACVEAGH (Down, S.): I beg to ask the Lord Advocate whether his attention has been called to the peregrinations of an anti-Catholic lecturer calling himself MacDonald; whether he is aware that this man's incitements have been frequently followed by riot and disorder in Irvine and Kilbirnie; whether he has been twice prosecuted in Ayrshire for using language calculated to provoke a breach of the peace; and what steps the police propose to take to put a stop to his conduct?

MR. SINCLAIR: I understand that the facts are as stated. Cases arising out of the most recent alleged breach of the peace are to be tried in the Burgh Court, Kilwinning, to-day, and the result of the trials will be reported to me. The constabulary have MacDonald's conduct under strict observation, and will continue to give the matter the closest vigilance.

Argentine Cattle Trade.

MR. VINCENT KENNEDY (Cavan, W.): I beg to ask the Vice-President of the Department of Agriculture (Ireland) whether he is aware of a combination in Argentina to defeat the national laws against the sale in that country of imported tuberculous cattle; and, in view of the importance to Ireland of the export of Irish blood cattle, will steps be taken to secure that the Irish breeders will suffer the least possible loss, and that the combination and those implicated will be exposed in the fullest way with a view to safeguarding this Irish industry?

THE VICE-PRESIDENT OF THE DEPARTMENT OF AGRICULTURE FOR IRELAND (Mr. T. W. RUSSELL, Tyrone, S.): The Department have seen certain newspaper reports on this subject. The matter will be kept in view, but at present there are no indications that its developments will prejudicially affect Irish exporters.

Irish Fishing Industry.

MR. P. A. MCHUGH (Sligo, N.): I beg to ask the Vice-President of the Department of Agriculture for Ireland whether he has observed, from the last Report of his Department, that there is a steady decrease in the number of persons engaged in the fishing industry in Ireland and in the quantity and value of the fish taken; and will he inform the House as to the steps he proposes taking with a view to the development of the fishing industry on the Irish coasts.

MR. T. W. RUSSELL: The facts are as stated in the Question. The immediate cause of the shortage in fish landed was the stormy weather which prevailed in the autumn of 1906. Modern methods of fishing tend towards the employment of few men in proportion to the quantity of fish landed, and the general decline in population of Ireland has made itself felt in some maritime districts. This question is under consideration by the Royal Commission now inquiring into the condition of the West.

Vernersbridge Assault Case.

MR. J. MACVEAGH: I beg to ask Mr. Attorney-General for Ireland whether he can state why the men arrested in connection with the assault case at Vernersbridge, county Armagh, have not been allowed out on bail, seeing that the doctor of one of the assaulted men has certified that his life is not in danger; and whether he will give directions for their immediate release.

THE ATTORNEY-GENERAL FOR IRELAND (Mr. CHERRY, Liverpool, Exchange): The police report that of the six men arrested in connection with the assault case at Vernersbridge, three, against whom no serious overt act was proved, were admitted to bail, but that the other three were remanded in custody, as they were believed to be the chief assailants of the injured men. The local doctor certified that the life of one of the injured men was not in immediate danger, but, notwithstanding this the magistrates did not feel themselves justified in accepting bail for their appearance at the subsequent hearing, and they were remanded in custody until the 22nd instant. The remand expires this day, and now that the medical reports are more favourable, it is very probable that the magistrates will accept bail. They, however, have the responsibility of deciding the question. I have no power to give directions to them, and without a more intimate acquaintance with the facts than I at present possess, would not attempt to interfere with their discretion.

Irish Trade with Curacoa.

MR. BOLAND (Kerry, S.): I beg to ask the Secretary of State for Foreign Affairs whether he is aware that, in consequence of the special reference made to Irish trade by the British Consul at Curacoa in his Report for the year 1905, the Consul is now in a position to state that since his last Report was published a manufacturer of biscuits and cakes in Ireland communicated with him, that some orders have been secured for the firm, and that the biscuits gave entire satisfaction; and whether he will bring this successful result to the notice of those British Consuls who are content with making the bald statement that there is no direct trade between Ireland and their respective districts, and apparently make no effort even to indicate in their Reports what possible openings there are for Irish trade.

SIR EDWARD GREY: The Answer to the first part of the Question is in the affirmative. His Majesty's Consuls were instructed in 1905 to report on the direct trade relations between Ireland and the countries in which they resided. In 1906, His Majesty's representatives were instructed to approach the Governments to which they were accredited with a view to the separate classification of imports of Irish goods. And the attention of any Consuls who do not comply with the instructions will be called to them.

Irish Trade with Hamburg.

MR. BOLAND: I beg to ask the Secretary of State for Foreign Affairs whether he is aware that the British Consul-General at Hamburg, in his recent Report, states that it is not possible to furnish Returns of the trade between Ireland and Hamburg, as no special statistical Returns of the imports from or of the exports to Irish ports are drawn up there; that in the same Report Vice-Consul Renck, of Harburg, is able to state that 1,300 tons of kainit were exported from Harburg to Ireland in 1906; can he say what special sources of information were available to a Vice-Consul at a small port in the same consular district which were not available to the Consul General at the important port of Hamburg; and whether valuable information for Irish traders could be obtained if special efforts were made, in view of the fact that there is direct trade between Hamburg and at least one Irish port.

SIR EDWARD GREY: I will communicate with His Majesty's Consul-General at Hamburg on this matter.

Irish-Owned Vessels in Hamburg Port.

MR. BOLAND: I beg to ask the Secretary of State for Foreign Affairs can he state how many Irish-owned vessels entered the port of Hamburg in 1906; what was their net register tonnage; whether, in view of the statements in the current Hamburg Consular Report, he can state whether any inquiries were made by the British Consul-General as to the nature of the cargoes carried by these Irish-owned vessels trading between Irish ports and Hamburg; and whether, in order that the Hamburg Consular Report for 1907 may be of some use to Irish traders, he will request that special attention will be given to the collection of this information.

SIR EDWARD GREY: I have not got this information, but I will ask the Consul-General for it.

Irish Provident Assurance Company, Limited.

MR. JOYCE (Limerick): I beg to ask the President of the Board of Trade whether his attention has been called to the manner in which the Irish Provident Assurance Company, Limited, has been worked; is he aware that this company has collected in Ireland, and mainly from poor people, over £350,000 at a cost of £330,000, and that its funds are invested in the names of its directors, who are also salaried officials, who are at liberty to convert such funds to any use they please, and that those men are at present endeavouring to convert short-term endowment policies which are on the eve of maturity into house-purchase policies under a term of thirty years in order to evade their liabilities; and whether an inquiry will be held into those matters in order to protect the people who have invested their money in this company.

Mr. KEARLEY: The attention of the Board of Trade has been called from time to time to the affairs of the Irish Provident Assurance Company, Limited, but I am not aware of the circumstances referred to by the hon. Member. As stated in the Answer given on 23rd April last to the hon. Member for West Kerry, the only power of inquiry vested in the Board of Trade is that, under Sections 56 and 57 of the Companies Act, 1862, of appointing an inspector upon the application of members holding not less than one-fifth part of the share capital of the company for the time being issued.

Kilrusheighter Letter Box.

Mr. P. A. McHUGH: I beg to ask the Postmaster-General whether he is aware that in August, 1904, an evening collection was instituted from a letter-box at Kilrusheighter, near Templeboy, county Sligo, but that the collection was discontinued on 10th January, 1906, on the ground that two private individuals refused to continue payment of a guarantee, and will he say whether the amount of correspondence from the letter-box was not sufficient to cover the cost of an evening collection; what steps, if any, were taken to ascertain the amount of correspondence from the letter-box; is it usual to insist on the payment of a guarantee where the amount of correspondence covers the cost of collection or exceeds it; does the Post Office Department always insist on a guarantee where a loss is apprehended; is he aware that Kilrusheighter district is large and populous, and that the accommodation asked for is greatly needed; and will he have this matter investigated and re considered.

Mr. SYDNEY BUXTON: I fear I can add nothing to the answer which I gave to the hon. Member's previous Question on the 5th of December last, and in the letters which I addressed to him on the 30th October and the 13th December last.

The All-Red Route.

Mr. R. D. HOLT (Northumberland, Hexham): I beg to ask the Prime Minister whether, having regard to the feeling entertained by many Members of this House against the proposal to establish by means of the public funds an all-red route from Great Britain to Australasia across Canada, or further to subsidise any steamship lines, he will arrange that this subject shall be discussed in this House before the Government in any way pledge themselves to the Colonial Governments to provide funds for the support of such schemes.

The PRIME MINISTER and FIRST LORD of the TREASURY (Sir H. Campbell-Bannerman, Stirling Burghs): The proposal to which my hon. friend refers is still under consideration. If, on examination, any such scheme was found to be feasible, no arrangement would be binding until approved by the House of Commons.

Mr. HAROLD COX asked whether the right hon. Gentleman meant that the House would be consulted before the Government was committed to this scheme.

Sir H. CAMPBELL-BANNERMAN: No, Sir. But if the Government look favourably on any scheme it will be understood that its favour is subject to the approval of the House of Commons.

New Hebrides Convention.

Mr. STAVELEY-HILL (Staffordshire, Kingswinford): I beg to ask the Prime Minister whether he is now in a position to state what legislation is necessary before the New Hebrides Convention can come into operation.

Sir H. CAMPBELL-BANNERMAN: His Majesty's Government are advised that no legislation is necessary.

Belfast Labour Disputes—Board of Trade Arbitrament.

Mr. J. DEVLIN (Belfast, W.): I beg to ask the Prime Minister whether, in view of the result of official intervention in the recent trade dispute in Belfast, and in view of the unanimity of public sentiment in favour of such intervention, the Government will consider the advisability of appointing a permanent board of arbitration having full power to interfere in and assist in the settlement of such trades disputes as may arise in the future.

SIR H. CAMPBELL-BANNERMAN: The official intervention in the recent trades disputes in Belfast was taken in accordance with the powers conferred under the Conciliation Act, which the Board of Trade are always ready to exercise when the circumstances render it desirable for them to do so. I have no reason to believe that the appointment of a permanent board of arbitration would be of greater service than the Conciliation Act, which enables the Board of Trade to take action by various methods with the object of preventing or terminating disputes. I am informed that during the past two years the Board of Trade have taken action in forty-seven disputes, in most of which their intervention has been successful.

MR. J. DEVLIN asked whether it was not the fact that in this case the offer of the Board of Trade to arbitrate was only accepted by the employers after two lives had been lost, and whether the Government would consider the advisability of giving compulsory powers to this conciliation board.

MR. ARTHUR HENDERSON asked whether the right hon. Gentleman was aware that the trade unions of the country were opposed to compulsory arbitration.

[No Answer was returned.]

The following Question was answered in the House on Tuesday, August 20th.

Post Office Basket Contracts.

MR. CLYNES (Manchester, N.E.): I beg to ask the Postmaster-General whether he is aware that a number of the baskets which Messrs. Harrison, Grantham, contracted to make for his Department were made by a sub-letting arrangement contrary to the custom of the trade; whether sub-letting is in accordance with the conditions of the contract; whether he can ascertain if 3s. 7d. is the rate fixed by the workmen's federation for the baskets, for which the firm paid the men only 2s. 6d.; and whether he will receive and consider other information on the subject from the workmen's society.

MR. SYDNEY BUXTON: I would refer my hon. friend to my answer to his Question of 19th ultimo. I then informed him that I would carefully consider any information bearing on the Question which he, or the Workmen's Federation, desired to put before me. I have not, however, received any further representation in regard to the matter.

THE WITHDRAWAL OF THE SCOTTISH LAND BILL.

MR. GULLAND (Dumfries Burghs): I beg to ask the Prime Minister a Question of which I have given him private notice—namely, whether he is in a position to make any statement in connection with what passed in another place yesterday on the subject of the Small Landholders (Scotland) Bill.

MR. WEIR (Ross and Cromarty): I beg also to ask the right hon. Gentleman whether, in view of the fact that the Government have withdrawn the Bill and that a Bill for amending and extending the Crofters Holdings (Scotland) Act was promised in the King's Speech at the beginning of the present Parliament, it is intended to give effect to that promise by introducing land legislation for the Highlands of Scotland early next session.

THE PRIME MINISTER AND FIRST LORD OF THE TREASURY (Sir H. CAMPBELL-BANNERMAN, Stirling Burghs): What I understand happened with regard to this Bill in another place was this. I gather from the ordinary sources of information that their Lordships entered upon a discussion on the Second Reading of the Bill, and that, after it had proceeded at considerable length, a Motion was made that the debate be adjourned *sine die*, in order that they might become acquainted with the provisions of the English Small Holdings Bill, which was then on its passage through this House. In the course of that discussion there had been indications given of the view taken by the Opposition—the great majority of the Peers—in the other place, but no definite statement was made of the ultimate decision arrived at by the Opposition. But yesterday a definite announcement of that sort was made, and it appeared that the intention was, after the Second Reading of the Bill, to transform it practically into a wholly new Bill. There was to be a recognition of the necessity of the clauses dealing with the part of the country at present under the Crofters Act, and some intention, apparently, of extending the powers and areas under those Acts. There was an indication that on no account would their Lordships be advised by the Opposition to adhere to the provisions in the Bill setting up a Land Court, which we consider as vital. The further point was that certain provisions of the English Bill were to be engrafted on the Scottish Bill in order that Scotland might have the advantage of the better state of things which would be created in England. That being so, we had to consider our position with regard to the Bill. For the policy announced by the Opposition there was no authority whatever from Scotland. In fact, the very proposal showed a cynical disregard of the wishes and desires and wants of the people of Scotland as represented by those who speak for them in this House. As a matter of fact, those proposals would require substantial consideration. I may mention one fact that really influenced us on this part of the case. If you are not to adopt the proposal that we make to extend the system of the Crofters Acts to the whole of Scotland, you must select the parts of Scotland to which the provisions of the Crofters Act and the system of rural adjustment under it should be extended. That has been a matter before the people of Scotland and before this House for many years, and everyone has recognised the difficulty of discriminating when we come to that further procedure; and if that was to be entered upon it would be a matter not of days, but of weeks, or even of months, before it could be properly defined. I mention that by way of showing the futility of the course which was proposed. This being the object—to change the Bill entirely—the Second Reading appeared to us to be an utter and absolute farce. Furthermore, seeing that neither the Government nor the majority in this House would, on any condition whatever, agree to these proposals, it was totally unnecessary at this time of the session for the House of Lords to waste further time in considering the Bill, because these were proposals which the House of Commons, rightly or wrongly, representing as they are entitled to represent—the majority of Scottish Members on this side of the House may be regarded as representing—the Scottish people, could not entertain, or whose consideration even could be calmly acquiesced in. Therefore, it comes to this, that the question is forced upon us—Who is to control the legislation with regard to the vital interests of the people of Scotland? Is it those who are authorised by the people of Scotland to speak for them, or is it noble Lords in another place and a small section of this House who sympathise with the noble Lords? I trust there will be no doubt whatever what answer must be given to that question; and we abandon what would have been a farce, the proposal that further progress should be made with this Bill in those circumstances, and with those avowed intentions on behalf of the commanding majority in the other House. We abandon the further progress of this Bill with the greatest regret, but the provisions which are thus objected to will be reintroduced at an early date and will be passed through this House in as speedy a manner as possible, and then we shall invite the other House either honestly to reject these provisions or to pass the Bill with reasonable Amendments consistent with its main purpose and principles. As I have said, it is a question of the future control of Scottish affairs, and on that question we have no doubt what our course is.

MR. A. J. BALFOUR (City of London): Under the guise of answering a Question, the right hon. Gentleman has pronounced a manifesto to which I have not the least objection, I need hardly say; only I presume it will, by the practice of this House, be permitted to me, after the procedure which the right hon. Gentleman has thought fit to take, to travel beyond the limits which would ordinarily be regarded as proper in the mere putting of a supplementary Question. The right hon. Gentleman terminated his address by using an epithet which suggested that in the course they have pursued the other House was not acting honestly. I leave it to this House to decide whether that is either a convenient or a decorous method of commenting upon another place. I do not suppose the Members of that other place will take much umbrage at anything which falls from the right hon. Gentleman. What is the course which the right hon. Gentleman describes as something less than honest which the House of Lords has pursued? I have no better and no worse sources of information than the right hon. Gentleman upon this subject; but from such sources of information as are open, either to me or to him, I gather that what the House of Lords have done is simply to offer to the Government, and, what is much more important, to the people of Scotland in the first place, as regards that part of Scotland where the conditions do not differ in any sense whatever from the conditions in England, that measure of reform which the Government think enough for England. As regards that part of Scotland where the conditions differ from England, I understand the House of Lords to have offered to pass a Bill amending the existing Crofters Acts, which, at all events so far as it goes, I understand to meet with the general acceptance of every Gentleman in this House who represents a crofting constituency. And, as the right hon. Gentleman has, apparently, laid it down as a proposition that the House of Lords is never to be permitted to do anything which is not approved by those who represent particular areas, and as I presume, therefore, it ought to do everything which is desired to be done by gentlemen representing particular areas, I should have thought their fundamental duty, on the constitutional lines laid down by the right hon. Gentleman, would have been to accept for the crofting counties that which the crofting Members desire should be accepted. Had they done so the crofting counties would not have been deprived, as they are now going to be deprived by the action of His Majesty's Government, either of legislation which they desire or of funds which have been promised them by this Bill, and which they will no longer be able to obtain. What is the excuse given by the right hon. Gentleman for thus depriving the crofter representatives of that which they desire, and for depriving the rest of Scotland of that which they think good enough for England? His reason—and his only reason—is that merely to delimit the crofter area is a task of such enormous difficulty——

SIR H. CAMPBELL-BANNERMAN: I particularly said I gave that as an example of the difficulties, but that it was not, of course, the whole reason of the action we had taken.

MR. A. J. BALFOUR: I presume it was the most striking example of the right hon. Gentleman, otherwise he would not have given it. And what was this most striking example of the difficulties that lay in the way of this House carrying out the policy which I endeavoured to outline? The difficulty was this, that it would take us weeks, and even months—that was the exact phrase of the right hon. Gentleman—to decide this question of the delimitation of the crofter area. Under the guidance of the right Gentleman we took twelve hours, and twelve hours only, to discuss the whole question of a new rating Bill for Scotland; we took three days to discuss in a full House all the provisions—not merely the limitation provisions—contained in the Land Bill for Scotland; we took three days to discuss forty-five clauses of the English Bill, and why the right hon. Gentleman should thus suddenly change his whole views as to the proprieties of Parliamentary procedure, the liberties of Parliamentary debate, and the length of time which it is proper to take to deal with difficult questions on August 22nd passes my comprehension. It is, of course, quite obvious from the speech of the right hon. Gentleman, not that he has the slightest desire either to carry out the wishes of the crofting Members, or to give to the other parts of Scotland the benefit of the Small Holdings Bill; his whole policy is based upon a desire to pick a quarrel with the other House. On that point I can only say that I cannot imagine that he could have chosen a worse subject on which to do so.

MR. WEIR (Ross and Cromarty): May I be permitted to say one word?

*MR. SPEAKER said the hon. Gentleman would only be allowed to ask a question.

MR. MORTON (Sutherland): I should like to ask the right hon. Gentleman, who authorised the Earl of Crewe to state in the House of Lords last night that those who were entitled to speak for the northern counties concurred in the withdrawal of the crofters' portion of the Scottish Land Bill?

SIR H. CAMPBELL-BANNERMAN: Lord Crewe did not make that statement by any authority from me, but the statement was quite correct. I received assurances from all sides—from within this House and from without it—that while the crofter county representatives were anxious to obtain these benefits for the crofters, which they have never received from the other side of the House except for some different purpose—I say, while they were so anxious, they submitted themselves loyally to what was considered the best policy and tactics—[Loud OPPOSITION cheers, which were prolonged for some time by Mr. Austen Chamberlain and other Members, until at last the right hon. Gentleman resumed his seat.] I had to sit down while the right hon. Gentleman——

MR. AUSTEN CHAMBERLAIN rose and stood at the Table. As neither right hon. Gentlemen would give way, there were loud cries of "Order, order!"

*MR. SPEAKER: I would venture to point out that the whole of this discussion being very irregular, the best way of bringing it to an end would be to use as little contentious matter as possible.

SIR H. CAMPBELL-BANNERMAN: If I have erred on the point of contentious matter I apologize. But what I was saying was that Members in the House and their countrymen in their counties outside of the House have given unmistakable proof that they are not desirous of receiving any advantage for themselves at the cost of the rest of their countrymen.

NEW MEMBER SWORN.

Ellis Jones Griffith, esquire, for the county of Anglesea.

STANDING ORDERS.

Ordered, That the Standing Orders, as amended, be printed. [No. 329.]

EXPIRING LAWS CONTINUANCE BILL.

Read a second time.

Bill committed to a Committee of the Whole House for to-morrow.—(*Mr. Chancellor of the Exchequer.*)

PUBLIC WORKS LOANS BILL

Order for Second Reading read.

THE FINANCIAL SECRETARY TO THE TREASURY (Mr. RUNCIMAN, Dewsbury) said the total amount of outstanding loans at the present time was £69,347,000. Out of that sum £592,000 had been written off as irrecoverable. There had been many restrictions in recent years owing to the fact that the Treasury objected to making loans to large local bodies on the ground that those bodies should be able, on the strength of their own credit, to raise such money as they required for their own purposes. They had thus succeeded in recent years in avoiding any large issue, and there had been no issue of local loans since 1904. They did not anticipate that in the near future there was likely to be any issue of this stock. The Bill in Clause 2 provided for the wiping out of some irrecoverable loans. Clause 6 contained the fulfilment of the undertaking given by the Chancellor of the Exchequer under the Labourers (Ireland) Acts, which would provide for an extension of the period of the repayment of loans which had been made under those Acts. This would, in the long run, bring a relief to the local authorities of Ireland, which would amount approximately to something like £40,000 per annum. That would be of considerable advantage to the local authorities in Ireland, and that, combined with the relief granted under the Act of last year, would bring the assistance given to those local authorities up to £70,000 per annum. Clause 9 provided for the wiping out of loans made in the case of the Cullen Harbour Commissioners. The Harbour Commissioners were entirely out of funds, the trade on which they depended a few years ago having entirely left the port. Unless the port was to be left derelict it was necessary that something should be done. Clause 3 dealt with Volunteer drill-halls, which were now taken over by the Secretary for War. Clauses 4 and 5 were entirely new in this Bill. Clause 4 dealt with a loan of £800,000 to the Colony of Jamaica. This loan was in addition to the Grant of £150,000 already provided for. It was to provide for the devastation brought about by the earthquake at Jamaica. It was quite possible that the individual claims which would be made on this fund would reach £800,000, but only £75,000 would be used for the purposes of the Government itself, and the total of £800,000 was the limit beyond which the loan would not go. Clause 5 dealt with the Northern Nigerian scheme, which was one of considerable magnitude. From the Treasury point of view, Northern Nigeria, in which the proposed railway was to be constructed, had been a source, not of profit, but of great expense to the United Kingdom. They had had to pay out grants-in-aid of varied amounts up to £350,000 per annum. At the present time the grant-in-aid to Northern Nigeria amounted to something like £300,000. If the Home Government wished to reduce that amount they would have to enter upon such schemes as would reduce the cost of the administration and the cost of the West African Frontier Force, and also do something towards increasing the commercial prosperity of that great territory. It was quite clear that unless the means of communication in that Colony were improved none of those things could be attained. We had always held that country with a small handful of men, and the expense of moving them about had been considerable. Therefore it was felt absolutely necessary that as soon as possible a railway should be constructed along the main lines of communication, not only for commerce, but for strategic purposes. This scheme had been very carefully thought out, so far as the Treasury was concerned, and he could assure the House that they had given their consent to it with the very greatest caution. His right hon. friend would be able to assure the House on the various points which had not been made clear in the course of the discussion. They had succeeded in the course of a year and a half or two years in arriving at the present stage of the scheme. Sir Percy Girouard, who was out in Northern Nigeria, would devote his skill to the construction of this railway, and they anticipated that, in the course of two years, a line of communication would be opened from Baro on the Niger to Zungeru, about 100 miles, and ultimately to Kano. This would absorb something like £350,000. From their point of view, it was absolutely necessary they should improve the communication, and therefore the Treasury gave their consent to the scheme after it had been thoroughly criticised, and properly thought out, and the whole of the financial arrangements had been made with their consent. Funds had to be provided in one of three ways—either by a direct grant from the Imperial Exchequer, or by a loan secured on the Colony itself, or by a loan on the security of some other self-contained Colony, which could be held responsible. They decided that a direct grant was absolutely out of the question, as they were not prepared to repeat the Uganda experiment of some few years ago. The second resort, that of a security on the Colony, was also out of the question, because the Colony was not self-supporting, and could only make ends meet by a grant-in-aid which amounted to nearly £300,000. The last resort was to deal with the whole of that area of Northern and Southern Nigeria from a new point of view. They considered how far these Colonies could be kept apart, and the ultimate decision arrived at was that for ordinary government purposes the ultimate aim must be the amalgamation of these two Colonies. If that was so, it was quite clear that the new Colony of Nigeria would be in possession of a railway which had been constructed at the expense of the Imperial Government. A prosperous Colony like Southern Nigeria was not entitled to a great gift of this kind, and they, therefore, thought it was a feasible arrangement insomuch as South Nigeria now provided something like £70,000 as a grant-in-aid towards the expenditure of Northern Nigeria, that they might deal with that £70,000 as part of the transactions into which they had entered with Southern Nigeria; and the ultimate arrangement they made was this: They agreed to a loan being made out of the Local Loans Fund provided for in this clause. Having done that, they were prepared to relieve Southern Nigeria from the interest on this grant, by means of a deduction from the grant-in-aid which Southern Nigeria now made to Northern Nigeria, so that Southern Nigeria would not be out of pocket in the first instance. They were then prepared to consider the possibility, and, in fact it was their aim, that ultimately this debt should be a Colonial debt. When the Colony was given self-government, it was almost impossible to place on to its shoulders a debt which had been incurred in the creation of that Colony without giving at the same time a guarantee on the Imperial Exchequer. They thought that by this transaction, which they hoped to consummate in this Bill, they would provide funds for the railway which would be ample, and would place the liability on the shoulders of those who ought to bear it, and that they would in the long run provide that these two Colonies should bear the whole burden of the debt that had been created in their interest and for their benefit. As this was a new proceeding, he thought it necessary to point out that although it was new in the Public Works Loans Bill, it was not new in their financial arrangements. The House was aware that the Colonial Loans Act, 1897, provided for a loan being made for Lagos, which was now a part of Southern Nigeria, and also the Niger Protectorate, on exactly the same terms as were provided for in this Bill. There was also a loan to Cyprus, which was absolutely analogous to the loan which it was sought to make under this Bill. Therefore the transaction with which the Government were proceeding was not without precedent, and he thought that the precedent afforded on that occasion had not been a source of regret to any of those who were concerned. He hoped the House would consent to the Bill, and especially to those two provisions, the Jamaica loan and the Nigerian loan. In conclusion, he could assure the House that they hoped by this means to avoid any calls for money for this purpose. Under the clause inserted in the Bill of last year they were able to use funds which were at the disposal of the National Debt Commissioners—self-contained funds, if he might so speak of them, which would make it unnecessary for them to go to the money market for money required either in Jamaica or in Southern Nigeria. He had no doubt this would be a source of satisfaction, not only to the money market, but to Members of that House who were interested in financial affairs.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Runciman.*)

Sir F. BANBURY (City of London) said that the hon. Gentleman had stated that Clauses 4 and 5 were new to the Bill; he desired to submit to Mr. Speaker that they were beyond the scope of the Bill. The Bill was to—

> "Grant money for the purpose of certain local loans out of the Local Loans Fund, and for other purposes relating to local loans."

The Act of 1887, Section 6, Subsection 1, referred to advances by Parliament of money for the purpose of loans to the Public Works Loans Commissioners, the Fisheries Board of Scotland, or the Commissioners of Works in Ireland, or to the Irish Land Commission, or for the purpose of similar loans by the Treasury, and he submitted that it was perfectly clear that under that Act the National Debt Commissioners were authorised to advance money for similar loans to the Public Works Loans Commissioners, the Scottish Fishery Board, the Commissioners of Public Works in Ireland, and the Irish Land Commission. Under the Act of 1887 the Public Works Loans Commissioners were instituted for the purpose of granting money to municipal authorities, but there was in the Act a statement that the provisions of the Colonial Act of 1899 were incorporated, and on referring to that Act he found that it authorised certain public loans to certain Colonies or places. It was not described, like this Bill, as being for the purpose of granting money from local loans out of the Local Loans Fund and for other purposes relating to local loans. It was something different. Subsection 2 said the advances authorised by that Act—

> "Shall be local loans within the meaning of the National Debt and Local Loans Act, 1887, and shall apply accordingly."

The point he ventured to submit was this. The Colonial Loans Act was intituled—

> "An Act for the advance of public loans to certain Colonies or places."

A Bill ought to have been brought in to grant loans to Nigeria and Jamaica. That had not been done, and as a matter of fact Clauses 4 and 5 of the present Bill were out of order, because they were beyond its scope. He submitted this to Mr Speaker as a point of order.

*MR. SPEAKER: The Colonial Loans Act of 1899 contains Subsection 2, Section 1. It says—

> "Advances authorised by this Act"

—that is, the Colonial Loans Act of 1899—

> "shall be local loans within the meaning of the Local Loans Act, 1887."

It would have been open, I think, to the draftsman of this Bill to have inserted that section in the Bill which we are now discussing, and if it were in this Bill I do not suppose the hon. Gentleman would raise his objection, because it would then have said, "Advances authorised by this Act shall be local loans within the meaning of the National Debt and Local Loans Act, 1899," and that Act would apply accordingly. That would have been the more direct method for the draftsman to adopt, but instead of that he has put into two clauses of this Bill a provision making the Colonial Loans Act applicable, subsection 2 of Section 1 being inserted in the Schedule of this Bill. I dare say there may be good reason for it, but it is a more roundabout way than that of adopting the subsection straight out of the Colonial Loans Act of 1899. The draftsman has put into the schedule the subsections he wants, and then he makes the provisions of the Colonial Loans Act as set out in the schedule applicable. I think the result is the same though the method is a little more roundabout. In other words, he says that these particular loans are to be considered as local loans, and if they be considered local loans then it is right and proper that they should come into the Bill, and they are within the scope of the Bill. I do not know whether I have made myself clear to the hon. Gentleman.

SIR F. BANBURY said the only point that was doubtful was whether the first three lines of the Bill ought not to have been amended so as to include the loans to Colonial places. That would have followed the precedent of the Act of 1899. But they had not done that; they had not said it was a Bill authorising public loans to certain Colonies or places, and it seemed to him that the first three lines of the Bill should be amended, because they set forth that the Bill was to—

> "Grant money for the purpose of certain local loans out of the Local Loans Fund," etc.

They had the precedent of the Colonial Loans Act of 1899, and he certainly thought the point which he raised as to Amendments being required for the first three lines of the present Bill was one which required some explanation.

*MR. SPEAKER: I did not say so. That subsection appears in the schedule. Clauses 4 and 5 refer to the schedule, and they make Subsection 2 of Section 1 of the Colonial Loans Act applicable to this Bill.

MR. VICTOR CAVENDISH (Derbyshire, W.) said that after the ruling which had just been given it appeared to him that loans to Jamaica could be considered local in the sense of the Bill they were now discussing. Any criticism from the Opposition side of the House would not be directed to Clauses 4 and 5, but rather to suggesting that the money should be voted in the form of a loan to Jamaica and Nigeria. They were not proceeding in the best and most suitable way. The Colonial Act of 1899 was an Act passed to sanction advances set forth in the schedule amounting to £3,351,000, and that was a clearly self-contained Bill authorising the Treasury to advance the money.

MR. RUNCIMAN: Yes, out of the Local Loans Fund.

MR. VICTOR CAVENDISH thought it would have been better if the Government had followed the precedent of the Act of 1899, and made the grant to these two Colonies in the form in which it was made under that Act. He understood that the object of advancing this sum of money out of the Local Loans Fund was to avoid the necessity of going into the money market. By the precedent set under the Act of 1899, this money would come out of the funds of the Public Works Loans Commissioners, and he thought it would be much better to follow that example in the present Bill and bring in a separate Bill applying to these two Colonies and use the Public

Works Loans Act for the purpose it was intended by this House and not complicate matters by the introduction of extraneous questions. There would be no objection raised to the passing of this Bill in its present form or in the more correct form he had suggested, but it could easily be amended by the omission of those two clauses and a Bill might be introduced which would carry out the intention of both sides of the House in a way more convenient and more in accordance with precedent.

Sir GILBERT PARKER (Gravesend) said his right hon. friend was right in assuming that this Bill would not receive any strenuous opposition from that side of the House. He had, however, one or two suggestions to make. Perhaps the Secretary to the Treasury would accept his congratulations upon the clear statement he had made to the House. As to Nigeria, he was glad to hear that they were likely to get some return for the £300,000 they had been annually spending in that country. The Under-Secretary for the Colonies had also stated that the making of this railway would have the effect of opening up and developing wide productive areas for cotton growing. That raised a very important question. He thought the financial aspect of the Bill was perfectly sound. The Under-Secretary for the Colonies must be very happy in looking back upon Nigeria, because there was no portion of the Empire where such splendid work had been done by what he might call a mere omnibusful of British officials, in a country which was six years ago in a state of anarchy. In Northern Nigeria they had entered upon a country containing 262,000 square miles and in Southern Nigeria 47,000 square miles, inhabited by numberless warring tribes. He wished to pay the highest tribute to the splendid work which Sir Frederick Lugard and his *confrères* had done. Personally he doubted whether this railway would ever have been established for strategical purposes alone. Sir Frederick Lugard had been in Nigeria a number of years and he knew the conditions of the country. His Reports showed a very wide grasp of economic as well as commercial questions, and he recommended a tramway which he said could be built at infinitely less expense than a railway such as that which was now projected. If it was the case that a tramway could have been erected, which when the railway was built might have been used to form branch lines to feed the main line, that struck him as an exceedingly reasonable proposition which had in it all the elements of common sense and reason and proceeded upon the lines of gradual development. The products of the country were very few. What was the policy of projecting this railway apart from strategical considerations? It was practically a policy of subsidy and bounty. The railway represented a very high protectionist policy.

Mr. LUPTON: No, no.

Sir GILBERT PARKER said the railway undoubtedly represented a policy of subsidy by which, before they got the products, they had to construct a line to tempt those products. The Government was prepared to accept the principle of a subsidy in regard to the all-red route. Was it in the hope of getting traffic for the railway, or in the hope, as in the case of the Canadian Pacific Railway, that there would grow up industries where there were none at present? The Under-Secretary for the Colonies represented a portion of a cotton constituency, but he would hesitate to suggest that the right hon. Gentleman had supported this railway the more strenuously because it would benefit Manchester if there was a great production of cotton in Nigeria. He submitted, however, that when the right hon. Gentleman went to Manchester again to ask a renewal of the suffrages of his constituents a card which he could play effectively was that he had pleaded for the establishment of facilities for cotton growing in Nigeria in order to give Manchester what she needed. There was another consideration to which he wished to direct attention. He presumed that it was still part of the policy to carry cotton from Northern Nigeria down to the coast free, that the Cotton Growing Association was to provide for the sale of the cotton in England, and that the Royal Company of Nigeria was to provide the seed. That was a very fine combination but there again they had an excellent system which all tariff reformers would support. He believed it was the case that the Cotton Growing Association insisted that the cotton should not be sold to any country but England. Manchester would benefit chiefly by that arrangement. He wished to know whether this railway which was for the purpose of developing cotton growing in Nigeria was only to carry cotton to be sold in England. If that was the case, it was a policy which corresponded to the most extreme form of protection practised by Germany, which would not allow Australian food stuffs to be carried by the North German Lloyd ships. That was what was being done by this so-called free trade Government of which the right hon. Gentleman was one of the most efficient and brilliant exponents. Did hon. Gentlemen opposite realise what this railway meant? In 1905 Nigeria produced £1,000 worth of cotton. In order to be independent of the other cotton-growing countries of the world, Manchester would require millions of bales from British Possessions, and therefore the statement of the right hon. Gentleman regarding the necessity of this railway for the development of cotton growing in Nigeria was one which was more brilliant on paper than in actual fact. Did anyone really think that this railway, on which we were going to spend between £1,500,000 and £2,000,000, was going to give Manchester in any limited period the cotton she required? He did not say that the right hon. Gentleman had supported this railway only for the purpose of developing cotton growing. He believed the right hon. Gentleman and the Government had supported it with the object of developing a new country. That was the policy which the Conservative Party would have pursued if they had been in power. He did not wish to support the Bill only for the reason which had been set forth by the Under-Secretary.

THE UNDER-SECRETARY OF STATE FOR THE COLONIES (Mr. CHURCHILL, Manchester, N.W.): What reason does the hon. Gentleman refer to?

SIR GILBERT PARKER: Cotton growing.

MR. CHURCHILL: I specified three reasons, of which the third was cotton growing.

SIR GILBERT PARKER said the right hon. Gentleman would do him the credit of admitting that he began by stating the reasons which he gave. He was certain that the right hon. Gentleman supported the railway for strategical reasons and with a view to the general commercial development of the country, but he supported it specifically because it would develop a cotton growing area which would give this country cotton independently of the United States. [AN HON. MEMBER: Why not?] Of course, why not? He wanted the House to understand that he did not accept the suggestion conveyed by the right hon. Gentleman that this railway was going to make, within a limited time, any great difference in the cotton supply of this country. The considerations put forward by the right hon. Gentleman concerning cotton growing were not considerations which should weigh greatly with the House. He believed there was a very good prospect in regard to minerals in Nigeria. There was also rubber produced in the country, but he understood that what had already been sent out was not of a very satisfactory kind. The right hon. Gentleman would probably argue that the railway was not for the development of cotton alone, but also for the development of the other natural products which Sir Frederick Lugard and others had reported that the country possessed. He supported the Bill warmly because it was a good tariff reform measure. The right hon. Gentleman had brought forward a good protectionist policy. He asked the right hon. Gentleman to explain why the more expensive undertaking in the shape of a railway had been proposed in antagonism, or, at any rate, in contradistinction to the tramways suggested by Sir Frederick Lugard in his admirable Report.

MR. CHURCHILL said the hon. Member for Gravesend had told the House the reasons which induced him warmly to support this measure. But he was bound to say that he had never heard an argument which was more capable of producing the opposite of what was intended than that used in support of the view which the hon. Gentleman set himself to enforce. He hoped that in dealing with this matter of the administration and scientific development of a great territory they would not think it necessary to plunge into the controversy between free trade and protection. There was the widest possible difference between the policy of improving the communications by sea and land across the surface of the British Empire and any policy of erecting tariff walls and obstructing the free interchange of commerce. He asked the House first to realise what was the position in Northern Nigeria. When we took it over in 1900 from the Niger Company that company practically confined its operations to the banks of the Niger and Benué rivers; but we had been drawn on beyond those limits by irresistible forces which would readily occur to hon. Gentlemen, until now we had become responsible for the day-to-day administration of a territory something like 400 miles from east to west and of equal depth, and which comprised within its area nearly nine millions of persons. That administration was maintained by a comparatively small body of officials, military and civil, and the whole order and authority of the country was maintained, not through the instrumentality of any white troops, but through the agency of native troops commanded by white officers and non-commissioned officers. When one reflected that those troops were drawn from the people of the country in which they lived, and were subject to the same influences, nobody could doubt that the position which we occupied in Northern Nigeria, although it had enabled us in ever-increasing measure to set up a civilised Government and to put down altogether many of the most hideous disorders and crimes which had stained that country in previous years, was nevertheless a precarious position, so long as we held the country without any swift or speedy means of communication. It took weeks to send small bodies of troops from one garrison to another, and every ounce of material and stores, transport of all kinds, had to be carried 300 or 400 miles on the heads of men and women. He could not see any circumstance more likely to prevent the commercial development, and to continue the conditions of instability of Northern Nigeria than to hamper the Government in that civilised and scientific administration which was so indispensable, by the want of a line of railway buckling the country from end to end. Therefore the first solid and sufficient reason for such a road being built was its administrative and strategic necessity. There was another aspect to which his hon. friend the Financial Secretary to the Treasury had referred. A grant-in-aid of £300,000 had been made to the finances of Northern Nigeria. That, no doubt, was a very heavy contribution, but he did not see any prospect of that burden being substantially reduced unless the country was developed and thrown open to commerce, unless there was evidence of permanent occupation which would attract capital and enterprise. The strategic, financial, commercial and administrative reasons were sufficient to justify the scheme of the railway. But there were also economies in sight. It was hoped that when the line was complete it would be possible to reduce the expenditure now necessitated on the Northern Nigeria military force by £20,000. That alone would be a very considerable portion of the interest charges which the railway would involve. In the second place, there would be a great economy in the transport compared with the present time, and the system of head-carrying, which was organised by the Government on an elaborate scale, would be swept away and those persons engaged in it—who comprised a large portion of the population—would be set free for productive labour. Then the cost of the large staff of European officials who were paid large salaries—not too large when the dangers and the climate were considered—and who had a long period of leave, could be reduced. When these officials went on leave, on full pay, they were often forced to journey for six or seven weeks through the country before they could get from their stations to the coast and from the coast to their stations. A very substantial saving would be made from that source alone if the railway were built. Again, it was very important that any railway constructed in Northern Nigeria should be a cheap railway. He quite agreed with the hon. Gentleman opposite that it was of importance not to push on too fast, saddling the country with an expenditure which it could not suddenly bear. Sir F. Lugard had always been in favour of a light tramway, which he said could be constructed for £1,500 a mile, and he produced a proof of that in the case of the Bari Juko and Zungeru tramway. It was pointed out, however, that in that case only small sections of the line had been made, and that we could not take it for granted that analogous economies would result from departmental construction in the case of a large undertaking. Very careful investigation had been made, and the Government were gradually driven by friendly experts to the conclusion that a two-and-a-half foot gauge railway could not be built for less than £2,500 a mile. But it seemed a great pity that they could not go a step further and construct, at a cost of £3,000 a mile, a three-and-a-half foot gauge railway which would make the line absolutely uniform with the railway in Southern Nigeria, and so prevent delays and cost caused by the break of gauge and the transfer of traffic. It might be asked how a three-and-a-half standard gauge railway could be built at so small a cost as £3,000 a mile. It was because they were constructing a pioneer railway. That did not mean that it would not be a railway fully capable of discharging all the duties which could be demanded of it. Such a railway as they proposed to construct would only require one train to be run in a day and it need not go more than fourteen or fifteen miles an hour. If that were done it would discharge all the practical and essential needs of the country. Economy would be effected in the unimportant parts of the equipment of the railway. The rails, the permanent way and the sleepers would all be of a satisfactory character, but where they could they would economise in stations, quarters, the amount of rolling stock, telegraph erection, and wharves on the river Niger, and these could be quite easily improved. as the traffic grew. All those matters had been carefully investigated during the past eighteen months and every point had been canvassed. Sir Percy Girouard, the Administrator, thoroughly concurred in the estimates which had been drawn up by competent consulting engineers, and a thorough survey of the route had been made. Sir Percy Girouard was positive that a three-and-a-half foot gauge railway could be constructed at £3,000 a mile, or half the cost at which such lines had formerly been constructed. Sir Percy Girouard did not speak without authority, for he had constructed that marvellous railway from Wady Halfa to the Atbara in the Soudan at the extraordinary low charge of £3,000 a mile, excluding military labour, though it was capable of carrying heavy traffic. It might be stated that a tramway would have been inconvenient for many purposes—not the least, it would not have carried bales of cotton, which would be a leading feature in the produce of Northern Nigeria. It was indispensable that any system of railway development in Northern Nigeria must be based upon or connected with the navigable reaches of the Niger and the Benue. These rivers provided 1,500 miles of practical waterways. Even at the worst seasons three feet of water were available, and Sir Percy Girouard reported that the employment of one or two dredges would procure six feet of water over almost the whole 1,500 miles. During two months of high water ocean-going steamers could penetrate more than 800 miles from the sea. To neglect these natural communications or to provide a railway system not in connection with them would be a cardinal error. Therefore, they had selected Baro, a native village about seventy miles up stream from Lokoja, as the base from which at all seasons of the year a clear waterway could be had. From Baro the line would run to Bida, would pass a little to the East of Zungeru, thence to Zaria and on to Kano. Each of these sections would, it was estimated, take a year to construct. But owing to the fact that the railway material must be landed during the two months of high water (September and October), when ocean-going steamers could discharge at Baro, no track-laying could be begun till the end of next year. It was contemplated that Zungeru would be reached by the end of 1909, Zaria in 1910, and

Kano in 1911. He would draw the attention of the House to the great advantages of the finance proposals advanced by his hon. friend the Member for Dewsbury. In the present state of the money market it was undesirable to force the Protectorate, which was poor, to incur unnecessary charges in raising the necessary money for the construction of the railway. Furthermore, they did not desire to increase the permanent liabilities of the United Kingdom for a railway which must ultimately become the possession of the Protectorate, and which would be a trunk line for Nigeria. By arrangement the money would be raised as substantially a debt due by Southern Nigeria, but the loan would be financed through the Public Works Loans Commissioners; and any extra charge which fell in consequence of this arrangement upon the finances of Southern Nigeria would be deducted from the contribution made by Southern Nigeria to the revenue of Northern Nigeria. The imperial grant-in-aid to Northern Nigeria would be proportionately increased by that amount for the time being, but he would point out that the revenues of Northern Nigeria were increasing at an average rate of £20,000 a year; and as the railway would not be completed for four years, and as the whole of the interest charges would not mature for four years, the strong probability was that the grant-in-aid, in spite of being charged with this extra liability, would not be increased; and the growth of revenue, as the railway extended, would balance the accruing interest charges. He thought he had submitted to the House sufficient reasons, financial, strategic and administrative, to justify the construction of the line, but he had such a strong case that he had another ground on which to urge it. He was in the position of a military officer who manœuvred, but who had not yet brought up his guns. There was another justification for this railway, stronger even than the financial and strategic reasons which he had given. The House could not ignore the enormous importance of cultivating cotton in Northern Nigeria. There was hardly any industry more solidly established in this country than the Lancashire cotton industry, in which something like 7,000,000 persons were concerned. That industry occupied a stronger position now than it did a few years ago; because for a long time it had been exposed to competition helped by inferior rates of wages and longer hours of labour in European countries. But those countries were becoming the scene of active labour movements, leading to large increases of wages and diminution of hours; with the consequence that the international position of our cotton industry would seem to be better for the future than in the past. But the industry had one weak spot—an Achilles' heel. It was dependent on one particular source of supply; and when there was a shortage in the American market, the evil was aggravated by the operations of speculators. That introduced an element of fluctuation, uncertainty, and gambling, and had caused before now sharp pinches throughout Lancashire. It was the object of the British Cotton-growing Association to vary and multiply the sources of cotton supply, so that, with many fields available, the climatic risks might be averaged, and the deficiency in one direction made good by abundance in another. The association owed its charter to the late Government, who deserved great credit for the fact. It had ransacked the British Empire for cotton fields; and it was in Lagos that the most favourable results had been obtained. In 1903 there were 500 bales of cotton grown in Lagos. This quantity increased to 2,000 bales in 1904, to 3,200 in in 1905, to 6,000 in 1906, and to 12,000 in 1907. That was a geometric progression, and, although the quantity was still minute compared with the needs of Lancashire, the increase was greater than that which occurred in the Southern States of America when the cotton industry was first established there. But the Cotton Association had always asserted that Northern, and not Southern, Nigeria was the true sphere of activity. Southern Nigeria was pervaded by the tsetse fly, which made the employment of draft animals impossible. But in Northern Nigeria that disadvantage disappeared, and cotton could be grown under exactly the same conditions as in America. This was not to embark on a new industry, either; for cotton of an extremely high quality had been marketed there for over 1,000 years. It was an important additional reason for the construction of this railway that it would throw open Northern Nigeria to the operations of the British Cotton-growing Association, which conferred great benefits on the natives. It went into new territory and offered a high and uniform rate for all cotton grown by the natives, who at present not only grew the cotton, but worked it up. It was proposed that the natives should be encouraged to grow the cotton, and that we should send them back the finished product in return. There was even a reason for haste, because, in spite of the present difficulties of communication, Lancashire goods were filtering into Northern Nigeria, and the natives were ceasing to grow cotton; and there was a danger, therefore, of defeating our purpose. But the claims of one particular industry or part of the country would not alone justify the expenditure of public money. But when that expenditure was made good on commercial, financial, and strategic grounds, those claims constituted an additional reason for action. The working classes had paid a great deal in one way or another for the support of the British Empire at different times; and cotton was the most palpable thread that united the industrial population of our large towns with our tropical possessions across the seas. He hoped, therefore, that the House would not accuse the Government of want of thrift in regard to public money in making the proposals. Care had been taken to secure for the State any increment in the value of the land which might arise from the construction of the railway.

Sir F. BANBURY said that the right hon. Gentleman supported this Bill as representing an economic policy, but he was not sure that he could support it on that ground. Within the last six weeks the Government had asked the House to provide £17,500,000 by way of loans.

The CHANCELLOR of the EXCHEQUER (Mr. Asquith, Fifeshire, E.) said the hon. Baronet was under a complete misapprehension. The money was not going to be raised all at once. It was spread over a number of years and it was all productive expenditure. The instalments were only to be raised in small quantities.

Sir F. BANBURY presumed that the loans were to be met by the savings in other departments.

Mr. ASQUITH: No.

Sir F. BANBURY said there was some way at any rate by which the right hon. Gentleman was going to get his first instalment without going into the open market. This sort of thing could not go on for ever. The money the right hon. Gentleman was going to take for this purpose would have gone to some other object if it had not been taken for this. Money could not be used twice over, and if it was not used for Nigeria, or telephones, or the Transvaal loan, it would be used for some other purpose. This Bill provided by the first clause for a sum of £3,000,000 to be raised for local loans. He had always advanced the opinion, whichever side was in power, that these local bodies should not be allowed to borrow from the National Debt Commissioners at so cheap a rate, and on one occasion he succeeded in persuading the then Chancellor of the Exchequer to raise the rate. He objected to these large local bodies borrowing from the National Debt Commissioners by way of local loans. The original intention was that small municipal bodies who were unable to borrow on the market except on the most onerous terms should be able to procure money on easy terms. When money was cheap these large local bodies who were never intended to come in under this Bill borrowed on the market on easy terms, and when it was dear came to the Government and obtained it from them. During the whole time of the war when the Government had to borrow money for the purposes of the war, large local loans were being issued to these bodies at 3 per cent., the result of which was that it interfered with the Government's borrowing money for national purposes.

Mr. ASQUITH: We are not borrowing money.

Sir F. BANBURY said the right hon. Gentleman was very careful to say he was not borrowing money, but he was using money from somewhere, and they did not know from what source the money came.

MR. ASQUITH said it was money which came in to the National Debt Commissioners' Department from loans, and the National Debt Commissioners, instead of using it for the cancellation of local loan stock, lent it out again for this purpose.

SIR F. BANBURY said he was glad to have that explanation at all events. They now knew where it came from. It was money that ought to have been used for the cancellation of local loan stock. If it had been so applied it would have raised the value of that stock with the result that other Government securities would have risen also. He hoped the right hon. Gentleman would see that the public credit was not taken advantage of by these municipal authorities which he did not think should be allowed to borrow on such easy terms. He would like to have an explanation from the Financial Secretary to the War Office of the appropriation by the War Office of half a million of money in respect of the repayment of certain mortgages which were held by the Treasury for money advanced to the Volunteers. That half a million, he contended, ought to have gone to the Sinking Fund. The two remaining clauses related to Jamaica and Nigeria. He was credibly informed that the clause relating to Nigeria was the commencement of a policy of tariff reform, and therefore he would say nothing further about that. With regard to Jamaica, everybody would like to see her assisted in her great tribulation. He was not sufficiently versed in the question of Nigeria to say whether the expenditure of this £3,000,000 would result in a profit, but in any case he did not think the argument as to savings derived from the officials was a good one.

MR. CHURCHILL said he was then endeavouring to show that these savings as the result of economies would go a long way towards defraying the interest, and that no one should neglect any source of income for defraying the interest. The administrative economies were put at £10,000 a year.

SIR F. BANBURY said one-seventieth of what was required. He would give one word of warning. As he understood the £3,000,000 was given as a grant in aid to Northern Nigeria because the right hon. Gentleman thought the railway would develop the country and go a long way towards avoiding the expenditure now made in respect of that country. There was a good old adage, "It is no use throwing good money after bad." Clauses 4 and 5 should have been brought in as separate Bills. That was the practice of former years and there would be no opposition if such a course was taken now either from himself or those among whom he sat. He thought it would be more in the interests of good legislation if such a course was adopted.

*MR. CHARLES ROBERTS (Lincoln) said that this railway opening up the country would raise some difficulty in respect to putting down the drink traffic in Nigeria. The difficulty of maintaining the prohibition area in Northern Nigeria was bound to increase. He did not doubt that the Government firmly intended to safeguard the existing area, but with new means of communication smuggling was bound to increase and the difficulty of preserving the temperance zone was bound to increase also. Nobody wished to see this traffic increased, and only the other day he asked the right hon. Gentleman the Under-Secretary whether something could not be done to prevent it by increasing the railway rates and the customs duty.

MR. CHURCHILL said that raising rates where there was river communication would only have the effect of diverting the traffic to the river.

*MR. CHARLES ROBERTS said the right hon. Gentleman had convinced him upon that point, and he would therefore ask whether it was not the fact that the only way to prevent this increase of this evil was to extend the prohibition zone to Southern Nigeria. He found that there were many villages in Southern Nigeria where the only signs of our civilising influence were piles of empty gin bottles on the outskirts of the villages. He thought that prohibition of sale to natives was a practical policy in the opinion of those who knew the country well, and the deficit in the revenue could be made good by direct taxation of the natives. They already had direct taxation in Northern Nigeria and he thought it was possible to get it in Southern Nigeria. The Government, he believed, did intend to extend the prohibition area twenty miles south, but that would only remove the border difficulty to another locality and he trusted that the Under-Secretary of State for the Colonies would take such complete prohibition of the sale to natives into his serious consideration.

*THE EARL OF RONALDSHAY (Middlesex, Hornsey) said this was a measure of tariff reform, and therefore he was able to congratulate the right hon. Gentleman on his inexplicable and sudden conversion from those opinions which he formerly pronounced on free trade to the principles of the Tariff Reform League. Sudden conversions were not frequent, but the right hon. Gentleman was the exception proving the rule, because his conversions had been very frequent in the course of the last few years, for he was a convert on the question of Chinese labour and of the House of Lords, and so on. This was another instance of his becoming a convert, and on this conversion he was able to congratulate the right hon. Gentleman. The Under-Secretary for the Colonies held different views from those entertained on that side of the House with regard to preference, for he said there was a very considerable difference between raising tariff barriers and granting subsidies which were for the benefit of a particular part of the Empire. The right hon. Gentleman had gone on to point out that the supply in this country of raw cotton was dependent on one source, and that, therefore, this measure was very beneficial in that it would vary and increase the sources of supply to manufacturers in this country. He maintained that there was no difference between that policy and the policy of preference which tariff Reformers advocated, because they also desired to increase the sources of supply of valuable raw materials within the Empire.

MR. CHURCHILL: It is the other way round.

*THE EARL OF RONALDSHAY said that the view of preference which they held was to increase the source of supply of raw material in the Colonies and in different parts of the Empire with a view to making the Empire as far as possible self-sufficing. In speaking the other day, the right hon. Gentleman had said that the difference between the preference on his side of the House and the preference advocated on the Opposition side was, that the former was based on sacrifice, whereas the other kind of preference was a matter of sordid dividends. He would rather like to ask the right hon. Gentleman whether in this instance the preference was one of sacrifice or of squalid dividends. He found that in the report of Sir F. Lugard it was stated that the Government at the present time was conveying cotton to the coast of Nigeria free of charge. He wished to ask on that point whether, when this railway was built, it was proposed to carry the cotton as at present, free of charge. Unless that was done, or at any rate unless some facilities were given to the cotton growers, the railway would not have the effect which the right hon. Gentleman anticipated, namely, very largely to increase the supply of cotton from Northern Nigeria. He found that Sir F. Lugard said in another portion of his Report that, in his judgment, a railway constructed at the cost at which other West African railways had been constructed would be compelled to charge rates which might strangle the new industry at its birth. If the new industry was not to be strangled at its birth, it was quite obvious that these cotton growers should be given very considerable advantages in the shape of rebates, or else be allowed as at present, to have their cotton conveyed by railway absolutely free of charge. There was one other question he would like to ask the right hon. Gentleman, and it was as to the probability of this railway paying its own way. It seemed to him that a very large sum of money was to be expended, and so far as he recollected, the right hon. Gentleman had nowhere indicated in his remarks whether there was any probability of its paying its own way, or what length of time was likely to elapse before that desirable state of things would be reached.

MR. GILL (Bolton) said that as one of the representatives of Lancashire, which had a great interest in this subject, he desired to support the Bill, because he thought the railway in Nigeria would be of great benefit to the Lancashire cotton trade, not only in regard to the employers, but in regard to the operatives also. Last year there was a great scarcity of cotton for supplying the mills in Lancashire. The cotton crop in America on which they very largely depended was very short, and the result was that the Lancashire mills could not be worked to their full capacity. For many months the operatives were working only four days a week, so there was a great loss. They set about to see if they could not by mutual agreement with their employers take some steps to prevent a recurrence of a similar state of things, and they formed what was known as the British Cotton Growers' Association. The operatives had subscribed many thousands of pounds to finance that association, and the result was that very large capital had been raised in Lancashire to promote cotton growing in the British Empire. At Lagos, especially, the best place had been found, and the extension of cotton growing there had been very rapid indeed, much more rapid than when cotton growing was started in the Southern States of America. There was no doubt that the development of the railway in Northern Nigeria would help the Lagos cotton trade to a great extent. There had been a great expansion in the trade in Lancashire. During the past two years mills had been built in large numbers. Over 100 mills had been built for the spinning of yarn out of cotton in addition to a large number for weaving. The rate of extension on the Continent convinced them that in a very short time the supply of cotton now open to them would be entirely inadequate, and it was absolutely necessary they should have fresh sources of supply. Cotton had been grown for a long time in Northern Nigeria, and the best experts in America had been there and said it was the most suitable place in the world for the growth of cotton, and that in a few years a very large quantity could be got from there. The cotton that was grown in Northern Nigeria was exactly the class of cotton required for the Lancashire trade. There was a larger policy also connected with this question. He believed that development of this description would not only benefit the Lancashire cotton trade, which employed 10,000,000 people, but find them a market for their goods in return. He therefore thanked the Government for bringing in this Bill, and for building a railway in Nigeria.

MR. BOWLES (Lambeth, Norwood) said Clause 3 of the Bill dealt with a remarkable transaction between the War Office and the Public Works Loans Commissioners. He did not understand, and it had not been explained, what was the need for this clause in the Bill. He found on looking back, that the authority for spending this money, amounting to nearly £500,000, was only obtained on the report of the Resolution of the House on the 12th March last. Four days later, this no doubt very complicated agreement was entered into between the Secretary of State for War and the Public Works Loans Commissioners with regard to Scotland, and on the 21st with regard to England. Was the Secretary to the Treasury quite sure that the mere fact of his having got the Resolution authorising the expenditure of the money was a sufficient authority on which to proceed with the transaction? What was the meaning of this clause? The hon. Gentleman had got authority to spend this money in this way. He had made an agreement which set forth exactly what he proposed to do, and what was the use of rehearsing that, and duplicating the effect of a Resolution which had already been passed by the House? The Under-Secretary for the Colonies had told them with great force that the real ground upon which the proposal in Clause 5 rested was the prospect that in Nigeria there would be found a new supply of raw material for the great cotton industry. That was a very good and reasonable ground upon which to make this expenditure, but what he desired to call attention to were the dealings of the Government with the British Cotton Growing Association, to which the hon. Member below the Gangway had alluded. That association had been largely supported by contributions from the Lancashire operatives in conjunction with the employers to see what could be done to develop the sources of cotton supply in the British Empire. The Government had made this Association a grant of £1,000 a year. What had happened was that this association, which was being subsidised by the Government, had joined hands with one of several private companies called the British East Africa Corporation, Ltd. If grants of this kind were to be continued, some care should be taken to see that public money was not used to help one private company and give it an unfair advantage over other companies.

MR. CHURCHILL said that the grant to the British Cotton Growing Association was to assist in carrying out certain educational work in connection with cotton growing, and the association used for that purpose one of these companies.

MR. BOWLES said that that only reinforced what he had already said. His point was that the British Cotton Growing Association, which the right hon. Gentleman subsidised with public money, favoured the British East Africa Corporation as against other companies trading in the same region in exactly the same way, and he was giving them an unintended advantage with public money. Clearly the effect was to give this one private company an advantage over its rivals.

MR. CHURCHILL said this company was employed to perform a particular service and the money was paid for value received.

MR. BOWLES said it was public money and it gave this company a distinct advantage over the other companies. He hoped that in future loans dealing with Colonial matters would not be made out of the Local Loans Fund. That was utterly unprecedented. He trusted that the Government would not talk so much about financial control and financial purity. They should see that in future the Public Works Loans Bill was confined to the definite purpose for which the Public Works Loans Commissioners were instituted. Grants like these ought to be regularised, and not pitch-forked into a Bill where they ought not to appear at all. They should be put into proper form in a Colonial Loans Bill.

MR. MITCHELL-THOMSON (Lanarkshire, N.W.) said the Under-Secretary to the Colonies had placed the greatest weight upon the argument that this railway would do something to broaden the area from which the supplies of raw material for the cotton industry was drawn. That argument was also supported by the hon. Member for Bolton. He hoped the arguments which had been brought forward in favour of broadening the basis of our cotton supplies would hold good with regard to sugar, and that the right hon. Gentleman would be prepared favourably to consider schemes to further any plans for increasing the basis of our sugar supply in order to avoid "corners." The Report of Sir Frederick Lugard proceeded on the assumption that the construction of tramways was preferable to the railway. He was glad the right hon. Gentleman had come to the conclusion that it was preferable to begin right off with the construction of a railway, although he hoped the Government would consider the advisability of using tramways as feeders of the railway. As to Jamaica, he did not see anything in the Bill as to the repayment of the loan. He imagined that, the Act of 1899 having been incorporated in this Bill, it was not necessary to state exactly the time, provided that it was any time within fifty years. If any time had been agreed upon, perhaps the right hon. Gentleman would state what it was. The Financial Secretary to the Treasury had suggested that possibly only £75,000 of the £800,000 would be required by the Government of Jamaica for Government purposes. He would like the hon. Gentleman to state exactly what was proposed to be done with the money. If it was only to repair or rebuild Government buildings, it might be ample, but if it was also to make good the sewers which had been broken by the earthquake in Kingston, he doubted whether £75,000 would be sufficient to cover the cost. It would be necessary to have a re-survey of the whole of Kingston Harbour and the approaches to it. At the present time the approaches were dangerous owing to the fact that the whole bottom had been shifted by the earthquake. That would entail considerable expense. Perhaps the hon. Gentleman could give some information regarding that, for as the Bill stood the Government of Jamaica might find themselves tied down in the use of the money to the repairing and rebuilding of Government buildings. Would the money cover the cost of reconstructing the sewers of the town?

*SIR WILLIAM HOLLAND (Yorkshire, W.R., Rotherham) said he would like to express his thanks to the Government for what it was proposed to do. He believed that their outlay would very shortly be remunerative in its character. The prosperity of Northern Nigeria was bound to be stimulated by such a proposal and in a secondary degree the prosperity of Lancashire would also be stimulated. As he happened to be connected with the cotton industry he would like on behalf of the cotton trade to express his thanks for the broad and statesmanlike interest the Government had taken in the matter. The proposal had been described as a step towards tariff reform. The term "tariff reform" seemed to have a wide and far-reaching elasticity, which made it very fascinating. He was in favour of tariff reform when it could be shown to be for the advantage of this country, he was against it when it could not be shown that it was for the benefit of this country. This policy of getting our raw material from Northern Nigeria would give us the advantage of a new source of supply, without restricting or impeding any existing sources of supply.

MR. MOONEY (Newry) said he was glad the Chancellor of the Exchequer had carried out the promise made to the Irish Members as to the rate of interest on local loans in Ireland. He noticed that by Clause 7 of the Bill power was taken to take away from the Public Works Loans Commissioners the power to lend, and to hand it over to the Board of Works in Ireland. He was totally opposed to any such transaction and to the putting of further powers into the hands of that Board. He might be told that the idea of an Irishman objecting to that was against the general policy of which they were supposed to be in favour. If this were an Irish Board run by Irishmen he might agree that he was mistaken in the view he had expressed, but when he knew that it consisted of promoted private secretaries, and that on every possible opportunity it stood in the way of the development of the industries of Ireland he did not think they should be entrusted with any further power. He had listened to the instructive speeches which had been made in regard to the development of the trade and industry of Northern Nigeria. That territory was going to get £2,000,000, and the Under-Secretary had made an interesting speech on the subject. But what was surprising was that the Government should be so carefully protecting the interests of Nigeria when they refused to take any step for the protection of a single industry in Ireland. The Irish Members were anxious to develop Ireland by a better system of harbours. The Irish Members, the Chief Secretary, the Vice-President of the Board of Agriculture, were all in favour of legislation on that subject, and one would have supposed that Ireland would have got it. But there stepped in the body called the Commissioners of Public Works, and by inserting in the proposed legislation some ridiculous clause they had caused the remedial legislation for the benefit of Ireland to be dropped.

MR. RUNCIMAN: The Commissioners of Public Works in Ireland drafted a Bill which was introduced by the Chief Secretary and the Attorney-General for Ireland, and it had the approval of the whole of the Government and of the English Treasury.

MR. MOONEY said that in dealing with this body he was fully entitled to refer to the methods they had followed up to the present time. He still said that the remedial legislation with respect to piers and harbours had to be dropped, owing to the attitude taken up by the Commissioners of Public Works in Ireland.

MR. RUNCIMAN said that every item in the statement made by the hon. Member was absolutely inaccurate.

MR. MOONEY declared that these so-called Commissioners of Public Works had prevented efficient works from being carried out, and he was absolutely opposed to the granting to them of greater powers than they had at the present time.

*MR. GRETTON (Rutland) said that no one would disagree with the proposals of the Government in regard to the construction of the railway in Nigeria, and the assistance to be given to Jamaica. He would support them in the policy with respect to both which had been ably explained to the House by the Under-Secretary for the Colonies. The only complaint he had to make was that the Colonial loans should be included in a Public Works Loans Act. He and his friends did not think that was the right way to ask the House to authorise a loan. The Bill proposed that £3,000,000 should be made available for loans to public bodies in Great Britain, and £700,000 to public bodies in Ireland, for the purposes of public works. There was nothing in the Bill to show the purposes to which these large sums of money were to be applied, and it was not within the reach of any ordinary Member of the House to ascertain how the money was to be spent. Some time ago attention was drawn to the unlimited expenditure of public money derived from the Public Works Loan Commissioners by local bodies throughout the country. Before this Government came into power, the policy of the late Government on that question was generally understood, but no statement had yet been made as to the policy of the present Government. It was eminently undesirable that the expenditure of the country should be increased by the increased expenditure of local authorities for local purposes, considering the large demand it made on the money market for money to provide these loans. He thought that some explanation should be made as to how this sum of £3,000,000 was to be provided, and how it was to be spent. There was nothing in the Bill, at any rate, to show how the money was to be spent. The question had already been discussed as to the extraordinary transaction between the Treasury and the War Office in regard to certain loans and mortgages which had been transferred. The explanation given by the Financial Secretary to the War Office only showed that there had been an agreement between the Treasury and the War Office that certain loans should be transferred from the former to the latter. But that transaction had been entered into without the authority of the House, and the explanation of the hon. Gentleman amounted to a confession that it was invalid, and could have no force whatever until this Bill was passed. He pressed for some information as to how the £3,000,000 provided for in the first clause was to be spent in the United Kingdom, and the £700,000 to be spent in Ireland.

MR. MULDOON (Wicklow, E.) said he rose for the purpose of supporting the hon. Member for Newry in the protest he had made against the course which was being pursued in relation to this matter, which was one of great importance. The Board to which it was proposed to transfer certain sums was one over which Irish opinion had no more control than over the affairs of the island of Jamaica. The Irish Members in opposing this step grounded their protest on the fact that the Irish Board of Works, with whose operations they were perfectly familiar, was an absolutely incompetent body which during many years of opportunity succeeding in doing nothing whatever that had resulted in any benefit to the country, with whose interests they were supposed to be concerned. He challenged this step. The very fact that the Board of Works was being entrusted with the power of giving loans would prevent applications from being made by local authorities for loans for the construction and improvement of piers and harbours. Who had asked, he wished to know, for the transfer of this power? Was any complaint made against the people who had formerly dealt with the money? Had the harbour or other local authorities asked for the transfer?

MR. RUNCIMAN said that since 1875 the Irish Board of Works had been restricted in their loans for public works, and since then no Act had been passed enabling them to lend money to local bodies for public works. The transfer of the powers of the Public Works Loan Commissioners to the Irish Board of Works was a comparatively small matter, and no very large transaction was likely to be affected by this transfer, which had been made at the request of the Public Works Loan Commissioners themselves. Quite the contrary would be the case. He might mention that since 1897 the Public Works Loan Commissioners had granted loans to Ireland to the amount of £10,000,000, while England had been granted practically nothing. The Bill was intended to unify procedure in England and Ireland.

MR. DUFFY (Galway, S.) drew attention to the fact that for seventeen years the people of the West of Ireland had been asking Parliament to enable them to spend their own money on piers and harbours, and if the Vice-President of the Board of Agriculture would only visit that part of Ireland he would be able to see what a lamentable state of affairs existed there as regarded piers and harbours. Many such works were vitally necessary. Those who were responsible for the carrying out of marine works were quite willing that effect should be given to the wishes of the county councils, and he could not see why it was necessary that an Act of Parliament should be passed to enable them to spend their own money.

*MR. SPEAKER said that what the hon. Member was referring to was not relevant to the Bill before the House. The hon. Gentleman would require another measure to make what he wanted effective.

MR. DUFFY said he understood that the Bill before the House was to enlarge the powers of the Irish Public Works Board. In his opinion that Board was too powerful already; and certainly some way should be found for getting out of the dilemma so as to provide loans of public money for piers and harbours in the West of Ireland.

*MR. SPEAKER said that a grant to a particular harbour could not be introduced into this Bill. What the hon. Gentleman wanted would require special legislation.

Question, put, and agreed to.

Bill read a second time.

Bill committed to a Committee of the Whole House for To-morrow.—(*Mr. Runciman.*)

VACCINATION (SCOTLAND) BILL. [LORDS.]

Considered in Committee, and reported; as amended, to be considered To-morrow.

PUBLIC HEALTH (SCOTLAND) AMENDMENT BILL. [LORDS.]

Considered in Committee, and reported, without Amendment; read the third time, and passed, without Amendment.

VACCINATION BILL.

Lords Amendment considered.

Lords Amendment—

> "In page 1, at lines 10 and 11, to leave out the words 'either parent or such other person as the case may be,' and to insert the word 'he.'"

Read a second time.

*THE PARLIAMENTARY SECRETARY TO THE LOCAL GOVERNMENT BOARD (Dr. MACNAMARA, Camberwell, N.) explained that when the Bill was read a second time, it provided that no parent should be liable to prosecution if "he" made a statutory declaration that he believed that vaccination would be injurious to the health of his child. Then a provision was introduced to the effect that the declaration might be made by "either parent" or any other person having the custody of the child. In another place the Amendment which they were discussing was carried, confining the right to make such a statutory declaration to the father of the child. The Government did not, in regard to the law as it now stood, seek to do anything except to substitute a statutory declaration for the present procedure, and they proposed with some regret to accept this Amendment, which was put forward on the ground that no person had the right to claim exemption, except the person who was liable in respect of the penalty for neglect. He frankly admitted that it was the father who was in charge of the child and although he believed some magistrates acting *ultra vires* had allowed the mother to attend, and claim a certificate of exemption still they ought not to have done so. The objection to the father coming and making a declaration was that he lost a day's work, but the answer to that was that the statutory declaration would not occupy the time which one under the Act of 1898 would take. The man would not be subject to examination, and the declaration might now be made either before a single Justice of the Peace or a solicitor who was a Commissioner for Oaths. There were many Justices of the Peace and many solicitors in that position, and therefore there need be no waste of time. If they insisted upon this Amendment, under the authority of Sir Erskine May the Bill would be lost unless the Lords waived the Amendment they proposed to make. They were, therefore, on the horns of a dilemma, but on the whole he recommended the House to accept the Lord's Amendment.

Motion made, and Question proposed, "That this House doth agree with the Lords in the said Amendment."

MR. LUPTON (Lincolnshire, Sleaford) called attention to the fact that there were several differences between the Scottish and the English Bill. In the Scottish Bill there was a retrospective clause enabling parents to obtain exemption for all children under fourteen years of age. That was a distinct improvement on the English Bill.

*MR. SPEAKER said the hon. Member was not entitled to discuss the Bill but only the Amendment before the House.

MR. LUPTON said he was dealing with the question of why, if the Scottish Bill was passed in that form, the English Bill should not also be framed on the same lines. This Bill would be particularly hard on people in country districts who lived a long way from Justices of the Peace or solicitors who were Commissioners for Oaths. There were no Commissioners except in county towns, and a man would have to give up a day's work in order to make a declaration before a solicitor and get him to witness it. If a man had only fifteen shillings a week it was very hard to ask him to give up a day's work in order to go before a magistrate or a Commissioner for Oaths, and in addition pay 1s. 6d. as the cost of making a declaration. The Committee of this House inserted words to remove this injustice, but the House of Lords had deleted them and with this deletion they were asked to agree. He thanked the hon. Gentleman for the way in which he had dealt with the Bill, but he might say that if it were lost there were a great many people in the country who would not regret it. These peddling attempts to mitigate a great injustice were of doubtful benefit. The more the stream was dammed the greater would be the breach, and the greater the rush of water when that breach took place. He would not move to disagree with the Lords Amendment, but he wished to enter a grave and formal protest against its action, which would increase the number of persons who would not obtain exemption. In the country districts if the mother was not allowed to go and get an exemption there were many working men who would dread to go before the squire, in whose service they were, to get one, as they would feel that they were endangering their employment by making a declaration. Then again these poor people had a difficulty in giving the time to get these exemptions, and this seemed to him to be a special hardship which the House of Lords need not have inflicted upon poor suffering people. Some of them had tried to save the people from that great hardship. In the case of the poor person, the mother of a sick vaccinated child had to sit up all night with it, but that did not apply in the case of the rich, because after the vaccinator had made his marks, if the child was ill there were nurses to attend to it.

*Mr. SPEAKER said the hon. Genleman was wandering from the point, which was whether the House should agree with the Lords Amendment.

Mr. LUPTON said he would at once obey the ruling of the Chair, but what he wished to do was to protest against a mother being debarred from attending and asking for this relief, a right which this House intended to give her.

*Sir W. J. COLLINS (St. Pancras, W.) said he wished to express his regret that the Government could not see their way to resist the Lords Amendment and that the point had been surrendered. This Amendment was only passed in another place by a majority of five, and he was afraid that the other House, in regard to this particular Amendment, and also in reference to other questions concerning compulsory vaccination, had shown a disregard not only of the recommendations of Committees and Commissions, the requirements of sanitary science, and of public convenience. It was by a single vote in a House of fifteen Peers that repeated penalties for non-vaccination had been continued twenty-five years. He therefore thought the House should scrutinise with care the rejection of its Amendments by the other House. The Royal Commission, of which he was a member, after a brief consideration, dismissed as utterly ridiculous the attempt to enforce repeated penalties. Though he would have been glad to see the Bill go further he accepted it as an advance in the direction of the abolition of compulsion in a matter in which compulsion could not much longer be maintained.

*Mr. LEHMANN (Leicestershire, Market Harborough) quite appreciated the position of the Government, but wished to enter his protest against the manner in which another place had acted. It was not until after great consideration upstairs that they admitted the provision that the mother was a person who could make the application for the exemption of her child. After all, the mother was the person who was responsible for the health of the child, and she, he thought, should certainly be allowed to make the declaration.

*Mr. CAVE (Surrey, Kingston) said that it was hardly fair to represent this as a case of the House of Lords overruling the will of the House of Commons. As the Bill was originally introduced, it only provided that "he"—that was the responsible parent, namely the father, if there was a father living—should alone have power to apply for the exemption, but when the Bill was before the Standing Committee hon. Members moved to leave out the word "he" and insert "either parent or such other person as the case may be," which would enable a mother to make the application for exemption, even where there was a father living. The President of the Local Government Board resisted the Amendment on its merits, and not on any ground of expediency, and when the Committee went to a division it was only carried by the small majority of two, the numbers being sixteen to fourteen, and the President voting in the minority. When the Bill came before that House he himself put down an Amendment to restore it to its original shape, but, unfortunately, he was not there at the moment when he was called upon to move, so that this House as a whole had never had an opportunity of expressing an opinion upon the question. In these circumstances this could not, he repeated, be represented as a case in which the House of Lords had sought to overrule the wishes of this House and of the Government. All they had done was to restore the Bill to the shape in which it was brought in, and in favour of which the Government had argued and voted. There was another circumstance which was very significant. After the Amendment in question had been carried in the Standing Committee of this House, the Scottish Vaccination Bill was brought in in the Lords in the form in which the father only could object, and that Bill was introduced into the Lords by the Government. He was opposed to the Bill as a whole, but he did not oppose the Scottish Bill, in this House as the English Bill had been passed and he thought there should be parity of treatment. But the argument now advanced would make a difference between the Scottish and the English Bills. He thought he had shown that the House of Lords, so far from overruling the decision of this House, had only registered the opinions of the Government. The only argument against the Lords Amendment was that the father might lose a day's work. But, really, that question did not arise, as the making of a declaration would only take a few minutes. When the man went before the Commissioner for Oaths or magistrate under this Bill, the matter would be treated as a formal one, and the process might be gone through in the evening or at any other time of the day. Moreover, it was only fair to point out that the father was the person responsible, and against whom an order would be made in the event of vaccination not being carried out. He was the person who would be summoned, and who would have to pay the fine if convicted, and, therefore, it was he who ought to say whether he desired exemption or not. It would be a deplorable thing to have a conflict between father and mother on this question, and to have the mother making an application for exemption when the father desired that vaccination should take place. For himself, he thought it was the person who was responsible for the fine who should be the person to apply for the exemption, and he thought the Bill, as originally brought in, and as it passed the House of Lords, was in the right form.

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. JOHN BURNS, Battersea) said that there was very little to be said in addition to the very able statement of his hon. friend the Parliamentary Secretary to the Local Government Board, and he only intervened for a few minutes to deal with some criticisms which had been made upon the action of the Government, but which he thought were made under a misapprehension of the case. His hon. friend the Member for Sleaford had rather overestimated and exaggerated the difficulty of making a statutory declaration. Under the old procedure the certificate of exemption could only be obtained from a magistrate in Court, whereas this Bill provided for a statutory declaration and superseded that process. In the former case the father could only go to a criminal Court and was treated more or less as one of the persons before that Court and was associated with the persons who were before it. The object of the Government was now secured in the last Amendment. The authorities would be more accessible to a larger number of people who desired to make the statutory declaration. Besides 10,000 Commissioners for Oaths there were 18,000 Justices of the Peace available, before whom the statutory declaration could be made, and the applicant would still have the opportunity of going before a magistrate. Beyond the number of new people before whom statutory declarations might be made, a man need not now leave his work in order to procure exemption, because from 12 o'clock on Saturday to 9 or 10 o'clock in the evening he could make his application; and the Justices of the Peace were only too pleased to carry out the work, which they discharged with great tact and ability. The workmen could approach them and they were offered every facility. There was no comparison between the conditions which the Bill offered and the old conditions which they superseded. The other point was as to the hardship on the father. He believed that with the new opportunity which the father had for making the statutory declaration, the complaint which they had under the old conditions as to losing time would disappear. With all respect to anti-vaccinators, was it not time that they recognised the fact that the tendency of modern life was unfortunately to place on the woman any responsibility there was in the bringing up of children. Personally, he did not regard that as a condition of things which they should encourage in any way whatever. It seemed to him that the mother, on whom was placed the pain and suffering of childbirth and the nursing of the children in sickness, ought to be free from these responsibilities relating to vaccination, and that the statutory obligation ought to be placed on the father, whose tendency would be, he was sure, to relieve the mother of this responsibility; he was sure that the best of them would do that. He could only say that they had removed existing hardships, and now offered facilities for making statutory declarations which brought home to the father, on whom it rested, the responsibility of doing his duty to society. He had a responsibility legally showable under this Act and many other Acts, and, therefore, they were not dealing with him harshly. In conclusion, he had to thank those hon. Members who had taken a very active and praiseworthy part in passing this Bill, and but for their efforts, and the kindly spirit in which they had adapted themselves to the requirements of the Government, who were compelled to make large demands upon their time and attention, they would probably not have had a Vaccination Bill at all.

Question put, and agreed to.

LIGHTS ON VEHICLES BILL.

Lords Amendments considered.

Lords Amendments to the Amendment in page 2, line 29, agreed to.

Lords Amendment—

"In line 29, after the word 'rate,' to insert as a new subsection the words:—'(5) In the application of this section to the County of London, the London County Council shall be substituted for the council of a borough [and the county fund for the borough fund or rate], and, in the application of this section to the City of London, the mayor, aldermen, and commons of that City, in common council assembled, shall be substituted for the council of a borough, and [the consolidated rate for the borough fund or rate]'"

the next Amendment read a second time, and having been amended by the insertion of the words in parentheses, agreed to.

Remaining Lords Amendments agreed to.

SHERIFF COURTS (SCOTLAND) BILL.

As amended (by the Standing Committee), considered."

*Mr. NIELD (Middlesex, Ealing) moved to omit from Clause 5 the words "or of separation and aliment." He said he had no desire to obstruct the progress of this Bill, which consisted of fifty clauses and several schedules. The Bill, as they were told in Grand Committee, was to codify the law and practice of the Sheriff Courts, a tribunal of ancient origin and analogous to the County Courts of England and Wales. No doubt the main provisions of the Bill had that object but there were clauses which admittedly extended and in some cases gave an entirely new jurisdiction, and it was in relation to one of such instances where a new jurisdiction was sought that he proposed the Amendment which stood in his name. As the law in Scotland stood at the present time, the only Court which could grant relief in matrimonial causes was the Court of Session, and whether that relief was a decree of separation only or of dissolution of marriage. But the few words which he proposed to strike out would, if retained, make a momentous change in Scotland with regard to the law of marriage. These words, if not left out, would for the first time give the Sheriff Courts the right to make decrees of judicial separation. He had looked into the law of Scotland as to separation and divorce, and he found that it was very similar to that of England. It was of very great importance that they should do nothing to weaken the marriage tie or to enable it to be too lightly dissolved or even loosened. This Bill was very largely founded on the Report of the Departmental Committee which was appointed by the late Government. The sheriffs, and members of the body of Scottish advocates, as well as Writers to the Signet, had given evidence before the Committee. One witness, Mr. Walter James Lewis, a Writer to the Signet, who was asked as to the prudence of decrees of separation and aliment being placed in the jurisdiction of the Sheriff Courts, said he thought that if this matter was put into the Sheriff Courts it would make things far too easy for people who had matrimonial difficulties. The witness went on, in the same strain, that it would be a danger to give this jurisdiction to the Sheriff Courts and that it would not be for the good of the parties that they should be able to get such decrees in that court, and that there was no hardship in requiring them to go to the Court of Session, as none had any difficulty there to get an action either on the Poors Roll or off it. At present, Scotland did not possess the jurisdiction which was vested in the Justices of the Peace in England to grant separation orders in cases of cruelty. That jurisdiction had been in existence now for some ten years, and he should like the House to know the view of ministers of religion, especially in the East End of London, as to the result of these separation orders, which, without doubt, had honeycombed the East End with immorality, for, in many cases, the separated man and wife lived a life of immorality, often dwelling quite close to each other, though not aware of the fact. The issue of these separation orders had done a great deal to alter the moral tone of the crowded districts. Ministers of religion had found it necessary to speak out in no uncertain tone in regard to the conditions in their different districts, and he felt certain that if a Commission of Inquiry were appointed to go into the subject the information which would be gathered would be such as to make the House pause before it allowed the present condition of things to go on. The object of his Amendment was to prevent the Sheriff Courts from having power to deal with these matters so as to render impossible a similar state of things being produced in the crowded cities of Scotland. The Sheriff Court was essentially a Court for the recovery of small debts, and he submitted that it was most undesirable that it should have conferred upon it power to grant separation orders. It was true that the Bill did not propose jurisdiction to dissolve marriage—but then a decree of judicial separation was but the first step in that direction, and it went a great way towards what was necessary to obtain the fuller decree. It was most desirable to prevent that state of things either in Scotland or elsewhere. In the minutes of evidence taken by the Departmental Committee, the President of the Procurators' Association in Midlothian called attention to irregular marriages, or non-ecclesiastical marriages, and he said that these approached almost to a scandal. In place of the procedure being recognised as a solemn and serious occasion it was rather carried through with a great amount of levity and laxity, and he believed the parties frequently appeared before the sheriff in a state of intoxication. To facilitate release from marriage would be to offer additional inducement to enter into that state carelessly and with indifference. They were all aware of the old adage: "Marry in haste; repent at leisure." It was, he submitted, most undesirable that jurisdiction should be given to an inferior Court in matters affecting the marriage laws and marriage vows, and, therefore, he moved the omission of the words "or of separation and aliment," so as to prevent Sheriff Courts dealing with such actions. There were ample means available to a poor man to obtain a certificate enabling him to be put on the Poors Roll, indeed he believed greater facilities than to sue for a decree *in forma pauperis* in the probate and divorce division of the High Court of Justice in this country. If they wished to deal with the laws of marriage and divorce in Scotland they should deal with them by a substantive Bill, and not in this way. It was most undesirable that a few words should be slipped into a Bill of this sort at the end of the session, making such a drastic change in matrimonial relations in Scotland. He begged to move the Amendment standing in his name.

MR. BOWLES seconded.

Amendment proposed—

"In page 3, line 32, to leave out the words 'or of separation and aliment.'"—(*Mr. Nield.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

THE LORD ADVOCATE (Mr. THOMAS SHAW, Hawick Burghs) said that his hon. friend moved this Amendment in Committee, and on that occasion he advanced certain reasons against it. The vote of the Committee was against the Amendment. He thought at this stage it would be most inopportune and misleading if he were to enter into a disquisition upon that very interesting subject in history and romance, the marriage laws. He might be wrong, but he was inclined to think that the hon. Member had not read the actual terms of the Report of the Commission. The Report of the Commission on which this Bill was founded was a most authoritative document, being signed by a former Lord Advocate, a distinguished Judge, and several Sheriffs. It expressly declared that the jurisdiction of the Sheriff Courts should be extended so as to cover actions for separation, that persons should not be caused the expense of going to the Court of Session in obtaining a separation order, and that this could be done under the judicial procedure of the Sheriff Courts, which was perfectly dignified, regular, and appropriate. It might be the case that an aggrieved person abtained a separation order too easily in England in the magistrate's court, but in Scotland the other extreme was reached, because those who desired separation orders had to go to the Court of Session because they could not use the procedure of the Sheriff Courts. A highly skilled Commission had reported that people should not be driven to the expense of going to the Court of Session to obtain a separation order, and it was upon that recommendation that this Bill was founded. He hoped his hon. friend would not press this Amendment.

Mr. MITCHELL-THOMSON hoped his hon. friend would not insist upon his Amendment, because he was inclined to think that the arguments he had put forward were based upon a misconception. The Report recommended the adoption of the principle contained in this Bill, and also that the Sheriff Courts should have the power to remit such cases to the Court of Session. He did not know whether power to remit to the Court of Session was given in the Bill He thought his hon. friend would be well advised if he did not press this matter further.

Lord ROBERT CECIL said this was purely a matter of Scottish law, and the Lord Advocate had said that no harm could result from it. At the present time the only way a separation order could be obtained in Scotland was by an application to the Court of Session, which was a very expensive matter. What he wished to point out was that until the change of the law was introduced in England the same state of things prevailed in this country, and the alteration was made to meet cases of hardship where a wife had been bullied and assaulted by her husband. He believed that if the right hon. Gentleman made inquiries he would find that grave doubt existed as to whether the change made in the law in this respect in England had, on the whole, been beneficial, taking all things into consideration. The change had led to a great deal of immorality, and the protection it was intended to give had been much less than was anticipated. He thought his hon. friend who had moved this Amendment was entitled to ask the House seriously to consider this question in view of what had taken place in this country.

Mr. THOMAS SHAW said he agreed that probably they had gone too far in this matter in England. They had, however, proceeded in a much more regular and dignified form in Scotland.

Amendment, by leave, withdrawn.

Mr. THOMAS SHAW said there were several arithmetical miscalculations which he desired to correct in which the word "ten" had been inserted instead of the word "two." He asked the House assent to this correction being made.

Amendments proposed—

"In page 34, line 8, to leave out the word 'ten,' and to insert the word 'two.'"

"In the first schedule to leave out the word 'ten,' and to insert the word 'two.'"

"In line 12, to leave out the word 'ten,' and to insert the word 'two.'"

"In line 19, to leave out the word 'ten,' and to insert the word 'two.'"

"In line 20, to leave out the word 'ten,' and to insert the word 'two.'"

"In line 22, to leave out the word 'ten,' and to insert the word 'two.'"—(*Mr. Thomas Shaw.*)

Amendments agreed to.

Motion made, and Question proposed, "That the Bill be now read a third time."—(*Mr. Thomas Shaw.*)

Question put, and agreed to.

Bill read the third time, and pasesd.

WHALE FISHERIES (SCOTLAND) [EXPENSES].

Resolution reported, "That it is expedient to authorise the payment, out of moneys provided by Parliament, of expenses incurred by the Fishery Board for Scotland in pursuance of any Act of the present session to regulate Whale Fisheries in Scotland."

LORD BALCARRES (Lancashire, Chorley) asked for an estimate of the probable cost.

THE SECRETARY FOR SCOTLAND (Mr. SINCLAIR, Forfarshire) said it was difficult to form an estimate at present of the expenses, but so far as the Fisheries Board was concerned, they would not be considerable.

MR. BOWLES said he really could not understand why the right hon. Gentleman had thought it necessary to take any financial powers in connection with the measure. It was proposed to levy £100 on each steamer engaged in the work. As there were fifteen or sixteen steamers so employed the Scottish Fisheries Board would probably obtain £1,500 or £1,600 by granting licences. He did not see anything in the Bill likely to involve the expenditure of that sum, and therefore he did not see the necessity for this Resolution.

MR. SINCLAIR said the expenses of administration would not be large, and as the Estimates for the Fisheries Board would come under the review of Parliament the House would be able to see whether the work was being done with due economy. He was sure no Member of the House would wish to hamper the Board in the administration of the Act by want of funds. This Resolution which was in the form usual in such circumstances was to ensure that the necessary money would be provided to carry out the will of Parliament. He could assure the hon. Gentleman that the work would be carried out with due regard to economy.

Resolution agreed to.

WHALE FISHERIES (SCOTLAND) BILL.

Considered in Committee.

(In the Committee.)

[Mr. CALDWELL (Lanarkshire, Mid.) in the Chair.]

On Clause 1:—

LORD BALCARRES moved to omit the words "or other products." He said they all knew that a certain amount of nuisance was occasioned by the cutting up of whales, and the clause provided that those who engaged in the industry must obtain a licence from the Fisheries Board at a cost of £100. But there were certain products of whales which could be treated without causing any danger to fisheries or nuisance to the public. There were, for instance, whalebone and the material with which cushions and chairs were stuffed. Did the Solicitor-General mean that those who carried on these industries should pay £100 a year for a licence to do so?

THE SOLICITOR-GENERAL FOR SCOTLAND (Mr. URE, Linlithgowshire): No.

LORD BALCARRES said if that was so, more precise words than "or other products" should be inserted in the clause. As the clause stood he thought it required explanation.

Amendment proposed—

"In page 1, lines 6 and 7, to leave out the words 'or other products.'"—(*Lord Balcarres.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

MR. SINCLAIR said the noble Lord the Member for Marylebone called his attention a few weeks ago to the words referred to, and suggested that they should receive further consideration. He was at first inclined to the view which had been expressed by the noble Lord the Member for the Chorley Division, but he had consulted those who with himself had been responsible for the drafting of the Bill, and he was told that the words "from whales" in line 6 governed the words "of oil or other products" which followed. That being so, the words which the noble Lord proposed to leave out were not open to misapprehension in the way he suggested. The words in the clause followed closely the words in the Newfoundland Act which dealt with the same thing.

Mr. BOWLES said he did not regard what the right hon. Gentleman had said as any explanation at all. The right hon. Gentleman professed to sympathise with the view of the mover of the Amendment, but he wished to retain words in the clause which should be omitted if there was to be no doubt as to what was intended. The clause said—

> "No person shall in any part of Scotland land any whale, or engage in any way in the manufacture from whales of oil or other products, without a licence granted and issued subject to the conditions hereinafter provided . . ."

In the instance which had already been given, namely, the manufacture of the material with which cushions were stuffed, did the right hon. Gentleman mean to say that that was not a manufacture from whales of a clear and definite product? If he did, it was a remarkable contention. The right hon. Gentleman did not want manufacturers to be penalised, and, therefore, he should accept the Amendment.

Lord BALCARRES said he understood the right hon. Gentleman to state that there was no objection to any legitimate industries, which did no harm to the public and which did not injure the fishing industry and that, therefore, they were not included in the words "or other products." The industries to which he referred were not subject to Governmental supervision, to the £100 licence, or to the penal clauses. Did these include the manufacture of manures or fertilisers? Were people to pay £100 licence fee and be subject to the other provisions of the Act? The manufacture of fertilisers was a nuisance and ought to be supervised. Did the words "other products" include the manufacture of whalebone, which was not a nuisance?

Mr. FORSTER (Kent, Sevenoaks) said he wished to make a suggestion to the Secretary for Scotland which he might consider before the Report stage and which might meet the objection urged by his noble friend, viz., to confine the limitations laid down in the first clause to the manufacture of oil and other products to the cases referred to under Clause 2 of the Bill. That would obviate all difficulty as to the manufactures which could be carried on in these factories which were really whaling stations.

Mr. SINCLAIR said he would have no objection to the hon. Gentleman's suggestion, but it was impossible to alter the phrasing of the clause as to what were manufactures. The phrase was inserted in order to confine operations to manufactures from whales, and had been drafted with the best possible available advice. His advisers informed him that the words in the Bill really met the noble Lord's contention. While there would be restrictions on the primary manufactures from whales, there would be no restrictions on manufactures in a secondary or tertiary degree.

Lord BALCARRES said he would withdraw his Amendment, but he hoped that the right hon. Gentleman would meet the case he had pointed out by inserting on the Report stage the word "primary" on line 7, after the word "other."

Mr. SINCLAIR said he would be glad to consider the matter, but he could not give encouragement now to the idea that they would find any better words than those contained in the clause.

Amendment, by leave, withdrawn.

Mr. SINCLAIR said he proposed the insertion of the words on the Paper in order to meet the objection which had been raised on the Second Reading by the hon. Member for Sevenoaks.

Amendment proposed—

> "In page 1, line 7, after the word 'products,' to insert the words 'or within three miles of low-water mark of any part of the coast of Scotland, pursue, kill, or shoot at any whale.'"—(*Mr. Sinclair.*)

Question proposed, "That those words be there inserted."

MR. FORSTER said he was glad that the right hon. Gentleman had agreed to insert these words, because they went a long way to remove many of the objections he had to the clause as introduced. If this Bill was to become an Act, as he hoped it would, he wanted it to serve the purposes it was intended to accomplish. They were going to licence under the Bill most of the persons engaged in whale fishery in the North of Scotland. But a loophole would still remain, after the Amendment was passed, which would allow persons who were not licensed to kill, pursue, or shoot whales where they pleased. Subsection of Clause 5 said—

> "Nothing in this Act contained shall make it unlawful for any person to pursue any of the whaling industries commonly followed in arctic or antartic waters, or to engage in the manufacture of oil or other products from whales captured in the exercise of any such industry."

So far as he was aware there was nothing to prevent anyone under that subsection from pursuing, killing, or shooting whales, or cutting up the whales within the three miles limit. If that were so, the Bill would fail in its object, which was to remedy a grievance felt by the fishermen of Scotland—a splendid body of men for whom they ought to do anything they could. Their grievance would not be remedied, because some people would not take out a licence, and would establish floating factories outside the three-mile limit, and would come after whales within the three-mile limit under the very noses of those who had to pay the licence. That was very undesirable. There was another object which the Bill was designed to effect. It had been represented that the mussel beds in shallow waters were being poisoned by the floating refuse of the whales.

THE DEPUTY-CHAIRMAN said that the hon. Gentleman's remarks were not quite pertinent to the Amendment before the Committee, although they might be relevant to the question that Clause 1 stand part of the Bill.

MR. ASHLEY said he did not think this Amendment was necessary, because whales did not come within the three miles limit, or at any rate not in sufficient numbers to allow of their pursuit for profit. They were always thirty or forty miles out.

MR. BOWLES said he quite agreed with the object of the Amendment which was to prevent whales being pursued, shot at, or killed within the three miles limit. He also agreed with his hon friend that there would be no chance of so doing, but he thought this was a very clumsy way of providing for the object desired to be attained. A far more simple method could be found, and he hoped if only for the sake of neat and workmanlike draftsmanship the right hon. Gentleman would withdraw this Amendment, and merge this secton into Clause 4, which, with the addition of a very few lines, would give the result desired.

LORD BALCARRES said he had considered these Amendments which had only been put down at the last moment as well as he could, but not so adequately as he would have liked, and he thought there was in them some indication of haste. He noticed, for instance, that the right hon. Gentleman had not put down an Amendment corresponding to the one before the House to Clause 4, which was necessary if this Amendment was to be incorporated in the Bill. But like the Bill these Amendments were not very effective. His objection was to the very drastic way in which the Bill was drawn. Nobody within the three miles limit was to pursue, shoot at, or kill a whale. But as the right hon. Gentleman knew, it frequently happened that in the great swirls that follow a storm these great mammals were driven within the three miles limit and become landlocked or stranded. Now if a whale got stranded in that way the poor animal would have to lie there, and if any man shot it to put it out of its misery he was liable to a heavy penalty. It was a case which did not often happen, but nevertheless one that had to be met. In the drastic terms in which this Bill was drafted no consideration was given to one of the ordinary incidents in the life of a whale. He submitted that this case ought to be further considered and that some modification should be introduced to meet a case in which some relief must be given.

MR. SINCLAIR said he was very anxious to meet the Committee in this matter, and in order to meet the noble Lord he would withdraw this Amendment and reconsider the question. If he found the Amendment was necessary he would reinstate it on Report and if not he would dispense with it altogether.

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 1, line 10, to leave out from the word 'pounds' to the end of clause."—(*Mr. Bowles.*)

Amendment agreed to.

Question proposed, "That Clause 1 stand part of the Bill."

MR. FORSTER said when he was called to order on a previous Amendment he was commenting upon the fact that floating factories would be established and be more profitable, and he was pointing out that once those floating factories were established exactly the same inconvenience would arise as that of which they now complained. After the manufacture had taken place on these floating factories the carcases would be released and would float, and in some cases come ashore, when all the unhealthy conditions which were now complained of would again arise, and in other cases they would drift seawards and become a source of inconvenience and danger to the fishermen and fishing boats. But he thought this difficulty could be got over perfectly easily if the right hon. Gentleman would consider the advisability of excising Subsection 2 of Clause 5. He thought that they ought to put the licensed persons in as favourable a position as anybody else, but under the provisions of this Bill they put them in a less favourable position. He did not wish to labour this point, but would ask the right hon. Gentleman to consider whether an Amendment could be made in the Bill in the direction he had indicated.

LORD BALCARRES said that the effect of this Bill was unduly to harass an existing and flourishing industry. The causes which made it necessary were well known, and the effects of such harassing action could be readily anticipated. They might make it so difficult for these people in the north of Scotland to carry on their business that they would reconsider their position and act accordingly. At the present time with few exceptions the whale industry was carried on on the shore, and was carried on in the most efficient manner, but that was not the whole of the industry. The most highly organised part was carried on at sea by the blubber ships, which were at sea for months together. If this Bill was made too harassing by these huge penalties and licences, what would happen would be that these blubber ships would not register in Scotland but elsewhere. Then these large and powerful vessels would be entitled to kill whales within the three miles limit or anywhere else. They were going to open up in regard to the whale industry those ridiculous controversies of which they had heard so much in the past with regard to trawling in the Moray Firth, where foreign vessels might trawl, and those of British subjects might not. These huge and powerful Arctic and Antarctic boats would be permitted to kill whales and make as much use of them as they could. But the system of these boats was a wasteful one. They killed more whales than they could properly use, and having taken the cream of the blubber from them they liberated the hugh carcases which, owing to their buoyancy, floated away to the shore and infected the water near the shore. Those carcases took weeks to disintegrate in the course of nature, and the nuisance would be infinitely greater than that caused by the remnants of a whale dealt with on the shore. By harassing the industry unduly they would drive the industry into other directions, which might entail greater disadvantages on the industry and be infinitely more serious to Scotland. These were views which he certainly thought should be laid before the House.

MR. ASHLEY hoped the Committee would weigh well the words that had fallen from the noble Lord the Member for the Chorley Division. He himself wished to urge another point which he thought the Committee ought to consider, and that was the very heavy blow that this Bill struck at what was at present a flourishing business. There were four of these whale factories in existence in the Shetlands, of which two were Norwegian, one nominally British but almost wholly Norwegian, and one entirely British. The first three were only doing fairly well, but the fourth employed five ships and did extremely well. If this Bill passed in its present form this flourishing industry would be transferred from the Shetland Islands to floating factories, and the amount of employment which they gave in the islands would be taken away. This Bill placed the limit of vessels that could be attached to a factory at three, and this prosperous concern had five. They were actually asked to reduce the number of steamers of a factory which gave a great amount of employment to the Shetlanders, and they should hesitate before they took that step.

MR. BOWLES said the more he considered the clauses of this Bill the more indefensible they seemed to be. It was a very serious thing, even after full consideration, to put such restrictions of a really serious character on an industry which had grown up owing to the needs and characteristics of a particular part of the British dominions, and in which a considerable amount of capital and labour was engaged. He did not see why these restrictions should be placed on the industry. It was said that the industry had resulted in a nuisance, but the scientific evidence given before the Committee did not bear out that fact, but on the contrary controverted it. No doubt when it was first started the industry did result in a nuisance, but with better equipment and more scientific methods that nuisance had been done away with. For many years past the industry had been so conducted that every scrap of the carcase of the whale was used up, even to the bones, which made cattle food and manure, and there was no nuisance now to any human being. Then there was the fantastic superstition that the catching of a particular kind of whale which inhabited the seas between thirty to eighty miles from Shetland would have a deleterious effect on the herring industry; but so far from this being the case recent experience had proved the contrary. For the last three or four years more of these whales had been caught than ever before, yet the herring fishery had not been destroyed. On the contrary it had increased. In 1903 the catch was 313,000 crans; in 1904, 543,000; in 1905 Shetland had nearly half the whole of the herring catch of Scotland, and in that year it reached the unprecedented figure of well over 1,000,000 crans. In face of those figures it could not be contended that there was any earthly grounds for thinking that the catching of a few hundreds of whales interfered with the herring fishing. The whole experience was the other way. Anybody who knew anything about fishing for herring or sprat or whale knew that whenever they came to legislate about deep-water fishing they always got into fearful difficulties and absurdities. What they must remember was that occasionally the herring fishery had a bad year from causes which they could not exactly ascertain, it might be that the failure of the fishery in a season was due to the water being too cold, to storms, or to other causes; still, they had no real knowledge on the point. The herring fishermen looked round, and, seeing that the fishing was not so good as in a previous year, or that it was bad, they said what they said in 1903 when the fishing was unprosperous, that there must be some cause for their industry going to pieces. "It must be this abominable whale industry," which was the only other thing they saw. They were really being asked to hamper, he believed to destroy, an industry which if left alone would grow, and against which there was no real ground of complaint that could be alleged by anybody who had any scientific knowledge on the subject. He entirely objected to this clause, because there was no real ground made out for it.

MR. SINCLAIR said the hon. Gentleman had dogmatised with some confidence on this subject, but he did not understand apparently the reason why the Government had been induced to bring forward this Bill or the object which they had in view. As the House knew, this measure attacked no one industry in favour of another, nor caused antagonism one to the other. The hon.

Gentleman knew perfectly well that in no country in the world was whaling carried on as it was in this country, absolutely without restriction or licence of any kind.

Mr. BOWLES: Iceland.

Mr. SINCLAIR said he did not compare this country with Iceland. Rightly or wrongly the fishermen engaged in the herring fishing were unanimously of opinion as to the dangers of whaling as at present carried on to their industry. Some held the view that it should be altogether prohibited. He agreed with the hon. Gentleman that the figures were altogether indisputable; they made out no case whatever for the prohibition of this industry. But he thought that there was a case made out for regulating the whaling industry. Regulations in his opinion could not fail to be of great advantage. In the first place, they might do something to allay the strong feeling which was undoubtedly held, rightly or wrongly, against this industry, and also to benefit the industry itself. The hon. Gentleman had used exaggerated words when he said that the whaling industry would be destroyed by this Bill. The experience of other countries went to show that there were large profits when it was carried on heedlessly for a time; but there came a period when the source of these profits became exhausted, and then the period of prosperity was followed by depression and even ruin. Under these circumstances some years ago the Government caused an inquiry to be made, which was followed by a Report, which in turn was followed by proposals which, however, did not pass into law on that occasion. The inquiry was taken part in by a representative of the whaling industry; the people of Shetland were directly interested in the question because of the stations established there; so that there was every consideration before the Committee which would tend to preserve and not harass the industry. Those who examined the Bill would see that it gave a certain amount of protection to those who were already engaged in the industry; it would also give a certain amount of security to those engaged in it, because the industry would be carried on in a manner conducive to its best interests, and, as far as possible, in proportion to its raw material. That was the view of those engaged in the industry, with whom he had been in constant communication, and he had never read any protest whatever against the general policy of the Bill. Last autumn he had an opportunity of going through one of those factories, one of the best managed, and the gentleman responsible for the establishment said he had not a word to say against the proposals of the Bill. This was not a question of setting the interests of one industry above or below those of another. The proposed system of licensing prevailed in all other countries where the industry was carried on. It was agreeable to those who were engaged in the industry, and the object of the Government was simply to place the industry under proper regulations so that it might be properly and profitably carried on. There was no reason whatever for believing that the Bill was a harassing measure to those concerned, and he brought it before the House because he believed that, in the special conditions, it was seriously and anxiously desired by the people of Scotland who were interested in the question. He asked the Committee to believe that if this were not a measure which was highly desirable in the public interest it would not be pressed on the attention of the House at this period of the session, and he hoped that the Committee would co-operate in passing it into law.

*Mr. MORTON (Sutherland) said that his constituents were largely interested in this matter, and they made constant complaints against the trade as carried on at present. It had become such a nuisance that those engaged in it had, it was said, been driven out of their own country, and they had brought the nuisance to this country. He believed that a great many of the fishermen would prefer that this industry were prohibited altogether, and they had a right to state that wish, because Scotland belonged to the Scottish people, and not to mere trusts which were making money out of this nuisance. Though the Bill did not go very far, they hoped that it would do something to regulate this dangerous business. Therefore, he trusted that the Bill would be passed this session, so that there might be something done to abate the nuisance which was so inimical to the fishing interests of Scotland.

MR. LEVERTON HARRIS (Tower Hamlets, Stepney) said the Secretary for Scotland had stated that this clause would protect the herring industry from the injury done to it by whaling under the present conditions. He had also argued that the Bill would give stability to the whaling industry, and render it more profitable. He was lost in amazement in trying to reconcile these two arguments. He had been left in absolute doubt by the explanation of the right hon. Gentleman, and they could not take his arguments as any explanation of the object of this measure.

MR. ASHLEY said that as this was a Bill designed to protect British industries, he was inclined to support it on that ground.

LORD BALCARRES said that the Bill would probably wipe out whale fishing and that was just what certain people in Scotland desired. In view of that fact it was somewhat remarkable that the right hon. Gentleman should tell the House that the Bill was being passed in order that whale fishing might become a useful and profitable industry, in which security of employment would be assured. Those were desirable objects, although he thought they were entitled to protest against the argument that the Bill was one simply to deal with local nuisances connected with whale factories.

Question put, and agreed to.

Clause 2:—

Amendments proposed—

"In page 1, line 17, to leave out the words 'one month,' and to insert the words 'two months.'"

"In page 1, line 18, after the word 'thereof,' to insert the words 'once in each of two consecutive weeks with an interval between each publication of not less than six days.'"—(*Mr. Sinclair.*)

Amendments agreed to.

MR. BOWLES moved to leave out Subsection (4). He said he was in some little difficulty because he noticed that the right hon. Gentleman had put down some Amendments which very much modified the clause in the direction he desired.

MR. SINCLAIR asked the hon. Member to allow him to move his Amendment first.

MR. BOWLES said that course would be the most convenient, and he would assent to it.

MR. SINCLAIR moved to leave out the words "shall be lawful for the Board," in order to insert the words "the Board shall." He explained that the recommendation of the Committee which inquired into this subject was that no factory should have more than one steamer, and that was a very emphatic recommendation. They had, however, to deal with the existing state of things, not with a *tabula rasa*; and, therefore, the clause had been so drafted as to allow existing establishments to have two additional steamers. By a later Amendment he proposed to substitute the word "three" instead of "two," making altogether four, which was the number that one of the existing companies had. He thought this would be a fair arrangement, and it was founded upon the procedure in other countries where they only allowed one steamer for a certain number of miles of the coast.

Amendment proposed—

"In page 2, line 16, to leave out the words 'It shall be lawful for the Board,' and to insert the words 'the Board shall.'"—(*Mr. Sinclair.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

MR. ESSEX (Gloucestershire, Cirencester) was understood to ask whether the right hon. Gentleman had considered that there might be differences in the capacity of steamers.

MR. SINCLAIR said that the steamers were practically of one pattern at present.

They were specially equipped for the purpose of capturing and killing whales. The steamers were of a certain size, and they were manned by crews of a certain strength. The owners of the factories did not send out larger steamers than were necessary.

Mr. MITCHELL-THOMSON said he understood that the right hon. Gentleman did not wish to do anything to injure the business of factories at present engaged in this business. That being so, he wished to know whether the right hon. Gentleman was absolutely certain that there was no factory employing more steamers than the number he proposed to authorise.

Mr. ASHLEY pointed out that the largest existing company, which was entirely British owned, had five steamers, but the Secretary for Scotland proposed only to allow them to have four. He had received a letter from the company on the subject. The proposal was not fair.

Lord BALCARRES asked that the matter should be reconsidered before the Report stage. His hon. friend had pointed out that one company had five steamers, and it appeared to him that under the proposal of the right hon. Gentleman their business might be interfered with if the number was limited to four.

Mr. SINCLAIR said the Government had been in communication with those interested in the various points in the Bill, and, so far as he was aware, they had received no communication on this particular point. He had taken such steps as were open to him to ascertain the facts, and he thought the Government had gone to the utmost limit, and were doing substantial justice.

Mr. MITCHELL-THOMSON thought the question should be reconsidered. If it could be shown that four was a reasonable number the right hon. Gentleman's position would be unassailable, but the statement made by the hon. Member for Blackpool indicated the necessity for further consideration.

Mr. SINCLAIR said he had not received any information on the point. The communication which was sent to the hon. Member for Blackpool should have been addressed to those who were responsible for the Bill.

Mr. BOWLES said the right hon. Gentleman desired to leave every existing factory in its present position, but the limitation of the number of steamers to four would operate unfairly in regard to the larger factories. The factories which at present employed one or two steamers would be able to extend their business until they had four steamers employed, but the large factories which now had four steamers would be precluded from developing their business further. That was on the asumption that all the steamers were exactly alike, but was that a reasonable assumption? Was it not likely that the moment the limit of four was applied, there would be an increase in the size of the steamers? There was no provision in regard to that in the Bill. By this regulation they would simply be paying a premium to the large and powerful factories under the excuse of diminishing whale-fishing. It was only another instance of what was constantly seen, namely, a provision which was passed with one object operating in the opposite direction. The effect of the restrictions imposed would be to increase the size and power of the whaling steamers, and would thus defeat the object desired by the right hon. Gentleman.

Amendment agreed to.

Amendments proposed—

"In page 2, line 20, to leave out the word 'to.'"

"In page 2, line 22, to leave out the word 'two,' and to insert the word 'three.'"

"In page 2, line 37, to leave out the word 'three,' and to insert the word 'four.'"—(*Mr. Sinclair.*)

Amendments agreed to.

Lord BALCARRES said that the object of licensing a factory, workshop, or indeed any industry, was to give a certain *status* to it, and to grant the local authority or the Government a right of entry in order that the relations between the authorities and the factory should be clearly defined. He maintained that the licence duties sought to be imposed were unnecessarily severe. The £100 licence was not for each factory, but for each steamer; so that, a company owning four steamers would have to pay £400 in licences. He held that there were no other factories in this country which paid such high registration dues. There were no such licence duties on great collieries or groups of mines, but here they were proposing to impose a licence duty which might amount to a fourth of the whole capital of the industry which had been established by the energy of the people of Scotland. Why not put on a licence duty of £500 at once and kill the industry if the licence was to be taken as penal? In the case of a gunpowder factory, which permitted inspectors to go in and see that the work was properly carried out, the licence fee was merely nominal.

Amendment proposed—

"In page 3, lines 2 and 3, to leave out the words 'one hundred,' and to insert the word 'ten.'"—(*Lord Balcarres.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

MR. SINCLAIR said that, of course, there was no penal intention at all. This licence duty had been fixed after very careful consideration. He was aware that in other countries the licence duties were very large. They amounted in Newfoundland to £300, although they had been lately reduced to £150. This was a very profitable industry, and some fund had to be found to meet the cost of administration. So far as he was aware he had no reason to believe that the people concerned considered the licence fee onerous; at any rate, it was not generally objected to.

LORD BALCARRES asked leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 3, lines 3 and 4, to leave out the words 'for each whaling steamer the use of which is authorised thereby.'"—(*Mr. Bowles.*)

MR. SINCLAIR said he hoped the hon. Gentleman would not press his Amendment. It would be unfair to the poorer factories who worked on a low scale with one steamer, while the large factories with more than one steamer would pay a smaller licence on each.

MR. BOWLES asked leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

Clause, as amended, agreed to.

Clause 3:—

MR. FORSTER said it seemed to him that this clause placed the licensed persons at a disadvantage. Supposing the crews of two ships killed a whale just outside the three miles limit, the unlicensed person seemed to be at liberty to capture the creature and bring it alongside and tow it into port by another vessel, but the licensed person could only use his steamer apparently to kill the whale and bring it into port. The unlicensed person therefore enjoyed an advantage and the licensed person was penalised.

Amendment proposed—

"To leave out Sub-section 1."—(*Mr. Forster.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

MR. SINCLAIR said that by this sub-clause the Government were simply giving effect to the general practice In some cases steamers had been employed merely for the purpose of towing into port whales which had been killed by other steamers. This practice had given rise to great disputes. The whole point was purely a technical one, but the Government were merely carrying out what was recognised as the general practice in the matter. It was only fair that this provision should be made.

Mr. BOWLES said the right hon. Gentleman said he was carrying out the general practice of the whaling industry, but he did not think that such a custom should prevail. The Bill would render it possible for a tow boat to take possession of any whales which they might find floating on the sea killed by other vessels.

Mr. SINCLAIR said that matter did not arise till Clause 5.

Amendment, by leave, withdrawn.

Mr. FORSTER moved to leave out Subsection 3, for which he could find no justification. It provided that the harpoon should be fixed to the rail of the steamer.

Amendment proposed—

"To leave out Subsection 3.'"—(*Mr. Forster.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

Mr. SINCLAIR said that the Government did not desire to do anything to favour lawlessness, but here again the provisions of the Bill were founded upon the general practice, and that was to have this fixed rope attached to the steamer, and to have the rope attached to the harpoon. No objection had been taken to this up to the present. He thought the subsection met the necessities of the case.

Mr. FORSTER said that, of course, the harpoon must be attached to the boat or vessel from which it was fired, but this provision said that it should be attached to the steamer from which the boat came.

Mr. SINCLAIR said he was obliged to the hon. Gentleman for pointing out to him a desirable alteration of the Bill.

Mr. BOWLES said the interpretation accepted by the right hon. Gentleman showed the absurdity of the whole thing. Whether they liked it or not all ships must carry the harpoon, and therefore all new inventions which might hereafter be discovered to kill whales in a more humane manner.

Mr. FELL said it must be perfectly clear that this clause could only apply to small boats. In the case of large steamers they could not have harpoons attached to them.

Amendment, by leave, withdrawn.

Mr. BOWLES moved to leave out the words which gave the Fishery Board power to prohibit the shooting of whales within a distance of forty miles from low-water mark of any part of the coast of Scotland for a period not exceeding five weeks during the summer herring fishery. He did not think this was a power that should be given to the Scotch Fishery Board. A prohibition of that sort for five weeks during the time of the herring fishery would point to prohibiting the killing of whales for the whole year. It was a power which might be capriciously used to kill a prosperous industry.

Mr. SINCLAIR said this provision was designed really to ensure that there should be no conflict between the whale industry and any particularly successful herring fishing that might be going on at the time. It would reconcile the herring fishery interest to the Bill, and the prohibition would not be harshly exercised.

Mr. FORSTER complained that this provision would punish the licensed whalers very hardly indeed, while unlicensed whalers would be absolutely free from it. Licensed persons would be able to sail in waters over which the Fishery Board had no jurisdiction, and always provided that they were not observed by the officers of the Board or their unlicensed competitors might set this provision at naught. He really thought it very hard that they should be asked to pass a Bill which would give power over the people engaged in the industry, but not over the waters in which these people were carrying on their business. However good the intentions of the right hon. Gentleman might be, or however desirable his object, he would be put into a false position if he were given jurisdiction, for that was what it came to, miles out at sea from the coast of Scotland, where he had no jurisdiction at the present time. He thought that if the right hon. Gentleman had further time to consider the matter, he would see that the proposal could not be justified by the facts. He did not doubt that it was very desirable to allay the strong feelings which he had reason to know existed in the minds of the fishermen, but he really thought that when the right hon. Gentleman told them that the power would be very sparingly exercised, he gave them pretty clearly to understand that it was never meant to be exercised at all.

MR. SINCLAIR: I said "discreetly."

MR. FORSTER said he had found in his life that it was only discreet to exercise one's power when the opportunity was either legitimate or when it promised the success of one's efforts. He did not think that the opportunity would arise under the forty miles limit, nor did he think that it would offer a prospect of success. He approached this Bill in a non-controversial spirit, but he felt that he ought to divide the House against this provision, which it was injudicious to include in the measure, and which he thought would involve the right hon. Gentleman and his successors in endless difficulties. He did not believe for a single moment that it would ever have any real effect in curing or mitigating the evil to which it was ostensibly directed. He hoped that the right hon. Gentleman would not insist upon it.

MR. ASHLEY said that if the right hon. Gentleman went on with this clause he might get into international difficulties. Suppose that some of those companies placed their ships under the Norwegian or German flag and did what was prohibited by this Bill within the forty miles. He quite admitted that any British subject when he came ashore would be liable to the laws of this country and could be punished, but surely the right hon. Gentleman could not cause a Norwegian subject to be punished for doing something under the Norwegian flag outside the three-miles limit. It was a point to which the law officers of the Crown might turn their attention, because whatever the justiciary of Scotland had laid down with regard to the Moray Firth, he could not see that the country could be allowed, outside the three-miles limit, to exercise any jurisdiction except over British subjects.

LORD BALCARRES said this was a very grave matter. They had no right forty miles out at sea. The three miles limit was recognised by international agreement; it represented the limit of the tidal flow in the twenty-four hours. Then why was forty miles chosen? Why not 400, or any other limit they chose to name? But so far as the distance of forty miles was concerned, it so happened that in this part of Scotland they were 80 miles from the shore of a foreign country, and when they got out to sea forty miles with what reason could the argument on the part of the foreign country be resisted when they claimed that they had an equal claim with us to come from their shores a distance of forty miles and claim to exercise jurisdiction as was proposed by this Bill? Surely the Government might explain whether there was a particle of reason why they should fix upon forty miles. What justification was there from the international point of view? The right hon. Gentleman knew he could not enforce it. And by this proposal he was going to take away the wretched little gun-boat which was now watching the fishing industry of Scotland, and send it forty miles out to sea during certain specific weeks of the year. The fact was they were opening up a question which did not belong to this country alone. He submitted they were entitled to some explanation of this arbitrary selection of the limit of forty miles.

MR. SINCLAIR said that this limit of forty miles was based on the recommendation of the Committee, and was adopted as affording a general protection of the kind which it was desired by the Bill to afford. The Committee would realise that there was no intention, nor was there anything in the Bill to harass or tend to destroy the industry. The Government were steering a course which they thought would be just to all interests. This provision was based on the recommendation of the Committee, who recognised that it was desirable to give the Fishery Board power to suspend the whaling trade for a short period while the summer herring fishing was going on. It was true that they would have no general power to enforce this regulation; but they would have the power to issue licences under particular conditions. He had some confidence in submitting this proposal, because no objections against it had reached the Board. There was no reason to believe—in fact it would be against the interests of all concerned—that this power of suspension would be used otherwise than discreetly. The herring was a most capricious fish. They sometimes appeared in great numbers, and there might be hundreds of boats engaged within forty miles around the coast of Scotland. That might be very exceptional, but if in such a case there was extremely profitable fishing going on, surely it would be wise to give power to the Fishery Board to prevent its being interfered with by whale fishing.

MR. FORSTER said he knew the right hon. Gentleman was anxious to do all he could in the interests of the herring fishing industry, but the fact seemed to be ignored that they might have the licensed person operating within two or three miles of an unlicensed person, and a great amount of bitterness was bound to be created by a system of that kind. He would not press his Amendment to a division, and although he had been silenced he was in no way convinced.

MR. COURTHOPE said that assuming the Board exercised its power in this matter the licensed person would be under a great disadvantage as compared with the unlicensed person. Could the right hon. Gentleman tell him what proportion the Scottish whalers who would be licensed bore to the total number of whalers in those waters. If the licensed Scottish whalers were the vast majority of the total number, there might be a great deal to be said in favour of this proposal.

MR. ASHLEY contended that by this proposal they were making a preserve for the foreigner. He understood that these fishing grounds were equally close to Norway, and consequently the right hon. Gentleman was going to say to our own people, "You shall not do these things," when it was impossible for him to stop Norwegian ships doing the very same thing. It was ridiculous to make those fishing grounds simply a preserve for the foreigners. They could not punish foreigners for anything done outside the three miles limit, and all they could do was to go to the company and say, "Unless you dismiss these foreigners we shall not give you a licence again."

MR. FELL said he had not yet heard a single voice raised on behalf of the hundreds of herring boats which would be affected. This clause he admitted would do a great deal for them, but not all that was desirable. He hoped the right hon. Gentleman would not give way on this point.

MR. MITCHELL-THOMSON concurred entirely with what had been said by his hon. friend. If a boat was discovered shooting whales within this limit, and if the boat belonged to a licensed company, it might be pleaded in defence that it was not intended to land the whale in Scotland. It might be pleaded that it was the intention to land it in Norway. If that plea could be successfully advanced, then, of course, the provisions in the clause would be entirely nugatory.

MR. URE said he thought that in the case figured by the hon. Gentleman the boat so acting would be guilty of an offence.

Amendment negatived.

Clauses 3 and 4 were agreed to.

Clause 5:—

MR. FORSTER moved to leave out Subsection (2). His reason for making the proposal was that unlicensed people should not be put in a better position than those who had been at the trouble and expense of taking out licences. The Sub-section said:—

"Nothing in this Act contained shall make it unlawful for any person to pursue any of the whaling industries commonly followed in Arctic or Antarctic waters, or to engage in the manufacture of oil or other products from whales captured in the exercise of any such industry."

If it was desirable to regulate or limit whale fishing in Scottish waters, he could not see, looking at the matter from the Scottish point of view pure and simple, why privileges should be given to foreigners, which were denied to our own people.

Mr. SINCLAIR said the subsection was desirable to make it quite certain that whalers equipped for long voyages were not interfered with under the provisions of this Bill. It was not quite correct to say that the Bill proposed to give to foreigners what was denied to our own people.

Mr. FORSTER said that the right hon. Gentleman declared that he did not propose to confer greater privileges on foreigners than on Scottish people; that all he had stated was that this Bill imposed licences on Scottish people to establish factories. He would remind the right hon. Gentleman that it was not lawful for a person to pursue, kill, or shoot whales within Scottish waters, but it was lawful for foreigners—he meant persons who were not Scotsmen—to pursue, kill or shoot whales within Scottish waters. That was the distinction which he drew and which would be maintained if the right hon. Gentleman persisted in keeping in this section of the Bill. However, he wished to withdraw his Amendment.

Amendment, by leave, withdrawn.

Clause 5 agreed to.

Clause 6:—

Mr. LEVERTON HARRIS asked whether it would be an offence under Clause 6 for the directors and managers of a company engaged in the whale fishing industry to take out more than one licence among them?

The CHAIRMAN said he did not see how that question arose under this clause.

Mr. BOWLES said that an important question had been raised on a former Clause, which the right hon. Gentleman said had better be delayed. If the right hon. Gentleman would look at Clause 3, Subsection 1, he would find that no holder of a licence for the prosecution of the whale fishery should use any boat or steamer except a whaling steamer. That was to say he could not use a tow-boat to tow the whale which he had killed.

Clause 6 agreed to.

Clauses 7 and 8 agreed to.

Clause 9:—

Lord BALCARRES said he understood the Patronage Secretary had a statement to make with regard to the next Order on the Paper, Notification of Births Bill.

Mr. GEORGE WHITELEY said he did not think it would be fair to ask the House, after such a week as they had had, to begin at eleven o'clock the consideration of another Bill, which would take two or three hours. He had agreed with the right hon. Baronet the Member for West Somerset, that the deliberations on all their Bills were to come to an end at eight o'clock to-morrow evening—that the Government should have all their Bills then. It would be extremely serious if the discuscussion on any particular Bill were protracted, or that they should have to drop any particular one of their Bills. That was the distinct and categorical understanding with the noble Lord's chief, and he was sure hon. Gentlemen opposite would carry it out.

Mr. FORSTER said he was glad to see that the hon. Gentleman had at last found salvation, and on that he congratulated him. The Patronage Secretary had been driven to take pity on the frailties of human nature, and had announced that the limit had been reached, and that the House was not to be kept up that night. As to the arrangement with his right hon. friend to which the hon. Gentleman had referred, of course these things were necessarily approximate. It was known to all those engaged in making these arrangements that they were made within elastic limits. Suppose that at eight o'clock to-morrow evening there was one question that remained to be be discussed, he was sure that the Patronage Secretary would not say that the bargain was absolute and definitely ruled all discussion of the question that remained.

Mr. GEORGE WHITELEY: No.

Mr. FORSTER thought the hon. Gentleman could not persist in taking a different view. He did not for a moment suggest that there was any desire or the slightest intention to deviate even by a hair's breadth, from that arrangement; but he was sure that if at eight o'clock there was one particular question on one particular Bill remaining to be discussed, the Patronage Secretary would not say that the bargain to bring the proceedings to an end absolutely ruled that question out from discussion.

Mr. GEORGE WHITELEY said he desired to say just one word in justification. He had had practically an ultimatum, or rather a threat, from an hon. Member opposite, that if the Government did not take the Notification of Births Bill to-night, they would give them three or four hours discussion on it to-morrow. Of course he knew eight o'clock was not a hard and fast line, but it was in consequence of that veiled threat that he made the remark.

*Lord BALCARRES said he had many objections to this Bill which he had not pressed, and he had not divided the House once on the strict understanding that further business would be taken after the Bill under discussion; he had refrained from dividing the House in order to save time for considering the Notification of Births Bill.

Clause 9 agreed to.

Bill reported; as amended, to be considered To-morrow.

EAST INDIA REVENUE ACCOUNTS.

Order read, for resuming Adjourned Debate on Amendment to Question [6th June], "That Mr. Speaker do now leave the Chair (for Committee on East India Revenue Accounts)."

Which Amendment was—

> "To leave out from the word 'That,' to the end of the Question, and add the words 'this House, whilst affirming the imperative necessity of maintaining peace and order in India, is of opinion that an inquiry by means of a Parliamentary Committee or Royal Commission should be instituted into the causes at the root of the dissatisfaction"—(*Mr. George Hardy*) —instead thereof.

Question again proposed: "That the words proposed to be left out stand part part of the Question."

Mr. FORSTER said he did not want to delay the House, but he thought they were entitled to make their side of the case known. If it was too late to take a Bill of minor importance was it not also too late to take a large question like this affecting the Government Dependencies of the Crown.

Mr. GEORGE WHITELEY said it was absolutely necessary to get these accounts either to-day or to-morrow, and he desired to get them now in order to leave the way clear for other business in which great interest was taken by many Members.

Question put, and agreed to.

Main Question put, and agreed to.

EAST INDIA REVENUE ACCOUNTS.

(In the Committee.)

Resolved, That it appears, from the Accounts presented to Parliament, that in 1905–6 the Revenue of India amounted to £73,327,957, the Expenditure charged against Revenue to £71,236,103, and the Capital Expenditure not charged to Revenue to £9,966,393.—(*Mr. Whiteley.*)

Resolution to be reported.

POST OFFICE (EAST INDIA, CHINA, AND AUSTRALIA MAILS).

Motion made and Question proposed, "That the Contract, dated the 7th day of August, 1907, between the

Postmaster-General and the Peninsular and Oriental Steam Navigation Company for the conveyance of the East India, China, and Australia Mails for the period from the 1st day of February, 1908 to the 31st day of January, 1915, be approved".—(*Mr. Runciman*).

*MR. HOLT (Northumberland, Hexham) said he was very sorry to intervene at so late an hour, but this was a very important matter, involving as it did the expenditure of £2,000,000. He did not take exception to the contract itself. So far as that went he thought the Post Office had made a good bargain. Still less did he take any to the persons who had obtained the contract; they were friends of his own and well qualified to hold a Government contract. In fact a Government contract could not be in worthier hands. But he desired to call attention in particular to the service of steamships. Under the contract they gave a thirty days service from Brindisi to Shanghai. But while the Post Office were making this contract to send mails to Shanghai in thirty days, by sending them over the Siberia Railway it was possible to get mails to Shanghai in twenty days. He asked whether it was a business-like proceeding. There was no question about the figures he had given being accurate, because these figures were given by the Postmaster-General himself about a month ago. The Government he supposed would say that the route by the steamer was the cheaper of the two. That might be so, but people had only to address their letters *via* Siberia, and then he shrewdly suspected the Government would not only have to pay for their carriage over the Siberian route but have to pay for the contract route as well, a route by which the letters did not go. He wished to ask whether it was considered a business-like thing for a Government to tie itself to a seven years contract for a thirty days service when they had a good prospect of getting their mails delivered not only in twenty days but eighteen days, when the Siberia Railway service was further improved. The same statement as he had made with regard to Shanghai applied to Hong Kong. He would also like to remind the House that the service was practically only a fortnightly one, because the French boats were so very slow the traders would be forced to use the Siberian route during the week that the British boat was not running. So there was very good reason to doubt whether it was a wise action on the part of the Government to have made any contract whatever for the conveyance of mails to China. He desired to impress upon the House the importance of having a thoroughly good mail service to China. There was a great future there for British trade, and we ought to have the best mail service to meet the competition of the world. It was quite certain that if we did not use the Siberian route France and Germany would, to our detriment. He desired also to call attention to the Australian portion of the contract. Whilst this contract was a contract for the conveyance of mails between Brindisi and Adelaide it was provided that these boats should always start from a British Port and always call at Melbourne and Sydney. That provision was only put in for the purpose of subsidising the carrying of passengers and cargo, and he desired to ask whether it was desirable under the guise of a postal service to subsidise a steamship line for carrying passengers and cargo to Melbourne and Sydney. He called attention to the fact that there was no competing tender. He would like any hon. Gentleman who thought of trying to start a new subsidised line at any time to consider the facts he had mentioned, and consider well before they took the first step to establish contracts from which they had no possibility of departing without breaking the contract altogether.

MR. HAVELOCK WILSON (Middlesbrough) wanted to know what accommodation was to be provided for lascars on the P. and O. boats, and whether it was intended to insert in this contract a provision ensuring that the lascars would have more accommodation and a better food scale than they had at present. His view was that this large subsidy enabled the P. and O. Company to compete with tramp steamers in the eastern trade, with the result that British seamen were thrown out of work and were unable to get employment. When a company like the P. and O. received this large subsidy, it was the duty of the Government to see that there were fair conditions for the men employed. No doubt he would be told by the hon. Gentleman that the lascars were British subjects. He did not in any way want to prevent lascars from being employed; they had just as much right to be employed as any other workmen, but their conditions ought to be fair.

Mr. RUNCIMAN said that this question of lascar seamen had been discussed frequently. So far as the provision of accommodation was concerned it had been decided by the Merchant Shipping Act of last year, and the Government saw no reason to depart from the decision then arrived at. The P. and O. Company employed lascars largely, and in making a contract with them it was impossible that they should place the company at a disadvantage with their competitors. The Orient Line, for example, had been induced by the Australian Government to give up the employment of lascars, but in order to make up for this disadvantage the Australian Government had to pay £50,000 a year more than was paid to the P. and O. Company for the same service. The Government did not regard the employment of lascars as "sweating" either in mail vessels or in tramp vessels which carried lascars out to Australia or to the Far East. His hon. friend behind him had pointed out the great advantages of the Siberian route. He would like to make it perfectly clear that this matter had been carefully considered by the Post Office at very great length. They had entered into this contract with their eyes open. One of the greatest objections to the Siberian route was its cost. The House would be interested to know that letters, packets, and postcards, *via* Siberia, worked out at 18 francs per kilogramme as against 11.70 francs per kilogramme *via* Brindisi. The weight of mails carried last year was 5,741,000 lbs., but he could not give the hon. Member the weight of mails to Shanghai alone. It was quite clear that if we were to carry the whole of our mails, packets and newspapers by way of Siberia, we should add enormously to the cost of the carriage, and the Post Office would make an absolute dead loss on the transaction. The Post Office had not only to consider the cost of carrying the mails, but the general interests of the taxpayer; and the Government could not for one moment be expected to put a burden on the general taxpayers of this country in order that those engaged in the China trade might obtain a special advantage. The other point to which the hon. member referred had to do with Australia, and the hon. Gentleman wished to know why they insisted on the P. and O. boats starting from Australia. They made the contract for the mails to pass through Brindisi, and there was no reason in the world why, in making the contract, they should not do all they could to secure what was of advantage to British trade and to those who travelled, rendering it always possible for a traveller to make the whole voyage from England. They did not pay any special subsidy for that; it came under the contract and was apart from the Postal service; and he thought they ought to be commended and not criticised for obtaining this special advantage for those who wished to send goods out to Australia, and for those who wished to send goods from Australia to England direct. The hon. Member was wrong in supposing that there were no competitors for this contract. There was one competitor for it, whose tender was lower than that of the P. and O. Company. It was the tender of one who gave his address as somewhere in the West country. They inquired into his *bona fides*, and they found that this unfortunate gentleman had no address, and that so far as they knew he was not able to put a single vessel on the line. Ultimately it was discovered that his permanent abode was one of the institutions over which his right hon. friend the President of the Local Government Board had control. The reason that there were no competitors was that the Postmaster-General drove an uncommonly hard bargain with the P. and O. Company, and obtained services far beyond those paid for by the subsidy. The P. and O. Company were not favoured in any way as to the placing of this contract. The absence of competition was simply due to the fact that there was no other company strong enough to take the contract at the price and carry on the work. He would have been only too glad to allow others to have a chance. In order to give smaller traders a chance to tender, an attempt was made to split the contract up into sections; but no offers were made by any of the great shipping lines. The old contract might have run on until 1912, but in view of the great changes which were going on in the shipping world and the development of the Siberian railway, they thought it would be wiser to have a comparatively short contract, and they adopted seven years. That was a very short period for a contract of these dimensions, and no great line would undertake to build for the traffic unless they had a contract for at least ten years. Some of the offers they received were for periods ranging from twelve to twenty years. The period of the contract was seven years—a very short term—and before its expiration the conditions would be reconsidered. The Postmaster-General had reduced the lowest sum possible under the old contract by no less than £10,000, and had also reduced the period of transit. If the old contract had run on until 1910, the subsidy would have been reduced to £330,000, and if it had run on for the full period, the subsidy would have been £315,000. The Postmaster-General had succeeded in making a bargain in which the subsidy was fixed at £305,000, and at the same time he had reduced the period of transit to Bombay by eight hours, Shanghai by thirty-five hours outward and twenty-four hours homeward, and Adelaide by twenty-four hours outward and twelve hours homeward. Besides this his right hon. friend had secured the insertion in the contract of a clause precluding the company from giving any undue preference in their general carrying business to the disadvantage of the British trader. With regard to the lascars, their accommodation was fixed by the Merchant Shipping Act of last session, and the Government did not feel in a position to impose conditions on the P. and O. Company which they thought would be improper for the general run of British ships.

Mr. HAVELOCK WILSON said the Merchant Shipping Act of last year excluded the lascars, and this contract was a means by which they might compel the P. & O. Company to give the lascars proper accommodation.

Question put.

The House divided:—Ayes, 93: Noes, 19. (Division List No. 457).

AYES.

Acland, Francis Dyke
Adkins, W. Ryland D.
Baker, Joseph A. (Finsbury, E.)
Baring, Godfrey (Isle of Wight)
Beauchamp, E.
Benn, W. (T'w'r Hamlets, S. Geo.
Bertram, Julius
Birrell, Rt. Hon. Augustine
Bowles, G. Stewart
Bramsdon, T. A.
Brigg, John
Brodie, H. C.
Brunner, J. F. L. (Lancs., Leigh)
Burns, Rt. Hon. John
Byles, William Pollard
Carlile, E. Hildred
Carr-Gomm, H. W.
Causton, Rt. Hn. Richard Knight
Cawley, Sir Frederick
Cecil, Lord R. (Marylebone, E.)
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Clough, William
Collins, Stephen (Lambeth)
Corbett, C H. (Sussex, E. Grnist'd
Courthope, G. Loyd
Elibank, Master of
Erskine, David C.
Essex, R. W.
Everett, R. Lacey
Forster, Henry William
Fuller, John Michael F.
Gibbs, G. A. (Bristol, West)
Gooch, George Peabody
Gulland, John W.
Gurdon, Rt Hn. Sir W. Brampton
Haworth, Arthur A.
Hazel, Dr. A. E.
Hedges, A. Paget
Higham, John Sharp
Hobart, Sir Robert
Holt, Richard Durning
Howard, Hon. Geoffrey
Illingworth, Percy H.
Jardine, Sir J.
Jones, William (Carnarvonshire
Lambert, George
Lehmann, R. C.
Lever, A. Levy (Essex, Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lupton, Arnold
Lyell, Charles Henry
Macdonald, J. M. (Falkirk Bg'hs)
M'Crae, George
Marks, G. Croydon (Launceston)
Marnham, F. J.
Micklem, Nathaniel
Montagu, E. S.
Morgan, G. Hay (Cornwall)
Morgan, J. Lloyd (Carmarthen)
Morton, Alpheus Cleophas
Murray, James
Nicholls, George
Nicholson, Charles N. (Doncaster
Nuttall, Harry
O'Connor, John (Kildare, N.)
Pease, Herbert Pike (Darlington
Price, C. E. (Edinburgh, Central)
Radford, G. H.
Rawlinson, John Frederick Peel
Roberts, Charles H. (Lincoln)
Robertson, J. M. (Tyneside)
Robinson, S.
Roe, Sir Thomas

Rogers, F. E. Newman
Runciman, Walter
Salter, Arthur Clavell
Seely, Colonel
Sherwell, Arthur James
Sinclair, Rt. Hon. John
Stanley, Hn. A. Lyulph (Chesh.)
Strauss, E. A. (Abingdon)
Thomson, W. Mitchell-(Lanark)
Toulmin, George
Walker, Col. W. H. (Lancashire)
Walters, John Tudor
Waring, Walter
White, J. D. (Dumbartonshire)
Whitehead, Rowland
Whitley, John Henry (Halifax)
Wiles, Thomas
Winfrey, R.

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Bowerman, C. W.
Clynes, J. R.
Cooper, G. J.
Cremer, Sir William Randal
Crooks, William
Duncan, C. (Barrow-in-Furness
Gill, A. H.
Glover, Thomas
Harvey, W. E. (Derbyshire, N.E.
Henderson, Arthur (Durham)
Johnson, W. (Nuneaton)
Kelley, George D.
O'Brien, Patrick (Kilkenny)
Parker, James (Halifax)
Richards, T. F. (Wolverhampt'n
Stanley, Albert (Staffs., N.W.)
Stewart, Halley (Greenock)
Summerbell, T.
Wilson, W. T. (Westhoughton)

TELLERS FOR THE NOES—Mr. Havelock Wilson and Mr. Seddon.

GREENWICH HOSPITAL.

Motion made and Question proposed, "That the statement of the estimated income and expenditure of Greenwich Hospital and of Travers' Foundation for the year 1907-8 be approved."—(*Mr. Lambert.*)

MR. BRAMSDON (Portsmouth) upon this raised the question of the Greenwich Age Pensions. He complained that the Naval Vote governing this question was guillotined with other Votes, and, as far as he understood, a similar course had been taken for many years, in consequence of which this important question had not been able to be discussed in the House. He pointed out that thousands of pensioners were without the pensions to which they considered themselves entitled, and it was a deep and serious grievance amongst them, particularly in the naval ports. Inasmuch as the question of the income and expenditure of Greenwich Hospital forming the Resolution now before the House must include money the subject of these pensions, he wished to know whether he would be in order in raising the question at the present time, though this being the end of the session, and it was then a late hour, the time was unquestionably very inconvenient. It was the first opportunity he had had of speaking about the matter in the House. If he was precluded from discussing the matter now he would be glad if the Civil Lord would give an assurance or endeavour to arrange that the Vote should not be guillotined next year, so that a proper opportunity might be given to the many Members who were interested in the question of discussing the matter.

MR. LAMBERT said that was a matter which rested with the Prime Minister and the Patronage Secretary. All that he had to do was to ask the House to approve of expenditure which the Admiralty believed had been used to the best advantage.

Question put, and agreed to.

Resolved accordingly.

NEW WRIT.

New Writ for the County of Longford (South Longford), in the room of the honourable Edward Blake, K.C. (Chiltern Hundreds).—(*Captain Donelan.*)

Whereupon MR. SPEAKER, pursuant to the Order of the House of the 26th day of July last, adjourned the House without Question put.

Adjourned at twenty-five minutes before Twelve o'clock.

HOUSE OF LORDS.

Friday, 23rd August, 1907.

PRIVATE BILL BUSINESS.

Local Government Provisional Orders (No. 11) Bill. Returned from the Commons with the Amendments agreed to.

Inverness Royal Academy Order Confirmation Bill. Read 3ª (according to Order), and passed.

PETITIONS.

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.

Petition for amendment of; of magistrates and town council of Aberbrothock or Arbroath; read and ordered to lie on the Table.

RETURNS, REPORTS, ETC.

TREATY SERIES, No. 25 (1907).

Treaty between the United Kingdom and Panama, for the mutual surrender of fugitive criminals; signed at Panama, 25th August, 1906. (Ratifications exchanged at Panama, 15th April, 1907).

STRIKES AND LOCK-OUTS.

Report on strikes and lock-outs and on conciliation and arbitration boards in the United Kingdom in 1906.

STATISTICS.

Statistical Abstract for the principal and other foreign countries in each year from 1895 to 1904-1905 (as far as particulars can be stated). Thirty-third number.

INDIA (ADVISORY AND LEGISLATIVE COUNCILS, &c.)

Papers relating to an Imperial Advisory Council and Provincial Advisory Councils, the enlargement of the Legislative Councils, and the discussions of the Budgets.

Presented (by Command), and ordered to lie on the Table.

PUBLIC HEALTH (SCOTLAND) AMENDMENT BILL [H.L.]

Returned from the Commons agreed to.

VACCINATION (SCOTLAND) BILL [H.L.].

Returned from the Commons agreed to, with Amendments; the said Amendments to be considered To-morrow.

VACCINATION BILL.

Returned from the Commons with the Amendment agreed to.

LIGHTS ON VEHICLES BILL.

Returned from the Commons with the Amendments agreed to, with Amendments.

HOUSE OF LORDS OFFICES.

Report from the Select Committee considered (according to order), and agreed to.

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.

House in Committee (according to Order).

[The Earl of ONSLOW in the Chair.]

Clause 1:—

THE EARL OF SHAFTESBURY moved an Amendment to remove from the Bill its retrospective character. He assured their Lordships that there was no ulterior motive on his part underlying the Amendment. He had been led to take this course for two distinct reasons—firstly, on constitutional grounds; and secondly, to avoid any additional element of confusion if the Bill passed into law. He was afraid the course he advocated would be characterised as vindictively inclined towards those who had broken the law and married their deceased wife's sister, and that it would also be said that to remove from the Bill its retrospective character would be hard on the children of such marriages, as they would thereby be compelled to face life through with the ban of illegitimacy upon them. He yielded to none in honest sympathy for those who, from whatever circumstances, had felt compelled to break the

An Asterisk ( ) at the commencement of a Speech indicates revision by the Member.

law by contracting one of these marriages. But he would remind their Lordships that as recently as the previous afternoon it had been laid down as an axiom by a responsible Minister of the Crown—the noble Earl the President of the Board of Agriculture—that in most cases, if not in all, the minority must suffer for the good of the majority. The majority in this case were those who looked for, and had a right to look for, stability in legislation, and the minority were those on behalf of whom their sympathies were enlisted. As to the children, if they were out of sympathy to pass a law the legitimise the children of past marriages with a deceased wife's sister, were they to stop there? Had not all children who were born out of wedlock equal claims to their sympathy? For the sake of the preservation of confidence in continuity in legislation he hoped the Committee would accept his Amendment. No doubt they would be told that Parliament had often made valid marriages that were invalid, and that therefore the proposal in this case was no new departure; but the only real precedent for this was Lord Lyndhurst's Act of 1835, which he regarded as a not very defensible piece of legislation, and which was passed in order to assist a peer of the Realm who had contracted one of these marriages. That Act did not validate marriages which had been declared void, but merely prevented the voidance of marriages which were valid until proceedings were taken to set them aside. There was the danger of retrospective legislation producing still further confusion. Let them take the case of a man who had married his deceased wife's sister and separated from her, leaving the children in her custody. If he had married someone else the Act left things in their present position; but if he were merely living with another woman, it might be with a promise of eventual marriage, the Act gave him the custody of the children of his deceased wife's sister. Again, supposing a man to have married his deceased wife's sister and to have left her, and then to have married another sister: to whom would he be married by this Bill? Again, there was the case of a man with a legitimate family, and also an illegitimate family by his deceased wife's sister. Under the present law the children of the deceased wife's sister had no right of succession, and in many cases provision had therefore been made for them by the father or other relatives, it being understood that on the death of the father intestate the whole of his property would go to his legitimate children. It was obvious that many other similar cases might arise, and the probability was that there would be a great many difficulties which had not been foreseen; and it seemed a thousand pities that in order to remedy what was, after all, a sentimental grievance, risks should be run of doing serious injury to others. He hoped the First Lord of the Admiralty would be able to accept the Amendment, behind which he submitted there was great weight of argument. However, should the noble Lord find himself unable to do so, he would leave himself entirely in the hands of the Committee as to whether or not he should press the Amendment.

Amendment moved—

"In page 1, line 5, to leave out the words 'heretofore or.'"—(*The Earl of Shaftesbury.*)

THE FIRST LORD OF THE ADMIRALTY (Lord TWEEDMOUTH): My Lords, before I deal with the noble Lord's Amendment I should like to read to the House a very authoritative opinion expressed on this matter. It is a passage from Lecky's "Liberty and Democracy." In that work Mr. Lecky dealt at considerable length with the marriage law and paid a great deal of attention to this particular subject of marriage with a deceased wife's sister, and this is what he said in answering the arguments brought against the Bill—

> "These marriages exist over a great portion of the globe without the smallest question or producing the smallest family disturbance. Experience, the one sure guide in politics, conclusively shows how quickly the best public opinion of a country accommodates itself to these marriages, how easy, natural, and beneficent they prove, how little disturbance of any kind they introduce into domestic relations."

The next passage refers, I think, especially to your Lordships' House—

> "In an age when most wise and patriotic men desire that the influence and character of the Upper House should be upheld and strengthened, few things could be more deplorable than that this House should have suffered itself to be

made the representative of a swiftly vanishing superstition and the chief instrument in perpetuating a paltry and ignoble persecution."

Those are passages which your Lordships should remember when you are attempting to deal with the details of this Bill. The Amendment, in the first place, is absolutely opposed to what was done by Lord Lyndhurst's Act of 1835. The intention of that Act, as originally drafted, was to legalise marriage with a deceased wife's sister whether in the past or in the future; but by an arrangement that I described the other night, the Act was altered so that it simply validated—made valid instead of merely voidable—all marriages that had taken place previous to the passing of the Act. The Amendment of the noble Earl refuses even the amount of legality that was given under Lord Lyndhurst's Act. What I want the Committee to realise is this—that the guilty persons, if indeed they may be called guilty, who have illegally married, are the ones who escape under the provisions of the Amendment, because if the Bill passed giving effect to the noble Earl's views, these persons would go through the form of marriage again, and so far as they are concerned they will be in a perfectly satisfactory position. In Scotland the marriage legitimises the children, so that the effect of the Amendment would be to make illegitimate only the English children of these marriages, which seems to me to be a ridiculous proposition. To hold as illegitimate the children of marriages which have been by law made legal would be to my mind a cruel thing, and therefore I ask the Committee not to accept the Amendment.

THE MARQUESS OF SALISBURY said he was at a loss to understand how, even in their Lordships' House, which was very liberal in matters of order, the noble Lord who had just sat down could have thought it proper to introduce his interesting remarks with a quotation from Mr. Lecky's history, which had to do, if anything, with the whole subject, and nothing whatever specially to do with the Amendment before the Committee. He had a great respect, and so had all their Lordships, for anything which the late Mr. Lecky had written; but if it came to the quotation of eminent authorities in order to convince their Lordships of the soundness of a particular view, he was quite prepared to quote an authority quite as high as Mr. Lecky on the opposite side. He would not, however, follow the evil example in this one respect set by his noble friend. But in all the citations of the debates in their Lordships' House in the past upon this topic, there was one particular debate which noble Lords on the other side of the House had never referred to—the debate of 1886. The debate of that year was rendered illustrious by one of the most splendid examples of eloquence which had ever been delivered in their Lordships' House. On that occasion the late Duke of Argyll stated in perfectly moderate terms, but in language which he could not hope to emulate, the case against the Deceased Wife's Sister Bill, and noble Lords who had not read that speech had not only missed a brilliant example of British eloquence, but were without an adequate notion of the strength of the case which could be made against the Bill. But he would pass to the Amendment. The proposal in the Bill was that its provisions should have a retrospective effect, and that people who had broken the law should be relieved of the consequences of their action. That was going dangerously far. There was the provision in the Scottish law, to which the noble Lord the First Lord of the Admiralty had referred, that subsequent marriage legitimised the children. There was a great deal to be said for that law; he had always thought so. Their Lordships would see how unfair the provision in the Bill as it stood would be, because the legitimate children, who had every reason to suppose that they possessed all the privileges and rights of property which accrued to legitimacy, would have those privileges and rights infringed by the legitimisation of children born before them by an illegal marriage. They could not say to people who had already acquired rights that they must surrender those rights. Lord Shaftesbury had cited the case of the guardianship of illegitimate children. As everyone knew, the guardianship of an illegitimate child rested in the mother. Let them take the case—not, he would think, an uncommon case in matters of this kind—of a man who had contracted one of these marriages not leading a very reputable life, and afterwards going to the bad. The child was in the guardianship of its mother. But if the Bill passed in its present form the father would become the legitimate guardian of the child, and the mother would be ousted. That appeared to him to be a thing which ought not to be done. There might be cases in which young people, having made a marriage of this kind, had afterwards convinced themselves that it was wrong and had agreed to separate. This might have occurred twenty years ago. This Bill became an Act and, against their will, these two persons were made man and wife. That obviously was not a thing which Parliament ought to do. In the case where a man had married a deceased wife's sister, who afterwards died, and he married again, and had thus two families, one illegitimate and the other legitimate, his property, which at present would be divided amongst his legitimate family, would after the passing of this Bill, unamended as regards its retrospectiveeffect, be divided amongst both families, unjustly to the legitimate family. Many more unjust results of this *ex post facto* legislation would be discovered no doubt hereafter. He protested against the encouragement which would thus be given to people to break laws. There was such a thing as illegal marriage with a deceased wife's niece or with a stepdaughter. A man who had gone through the form of marriage with his stepdaughter—he knew of such a case—could say in answer to remonstrance that he saw no harm in it, as there was no consanguinity, and would go on breaking the law in the sure and certain hope that some day or other Parliament would relieve him. People would go on making such marriages, and a man might say: "Afterwards I shall go to the First Lord of the Admiralty, who with the assistance of the Lord Chancellor at the head of the English law, will introduce a Bill into Parliament to relieve me of the consequences of my act."

VISCOUNT HALIFAX endorsed the arguments used by the noble Marquess. It would be quite impossible after passing this Bill to maintain the prohibition against marriages within any of the degrees of affinity. By giving the Act a retrospective action, Parliament would condone the action of those who in the past deliberately broke the law. It was perfectly well known that an agitation in favour of the Bill was promoted by certain rich people who had broken the law, and the Bill would place in the hands of those who had contracted marriages within other degrees of affinity a strong inducement to set going a similar agitation.

THE LORD CHANCELLOR (Lord LOREBURN): My Lords, the point in this Amendment is really extremely short and circumscribed. It is not whether it is right or wrong to legalise these marriages, for that has been decided by the Second Reading of the Bill. It is a question whether or not the Bill should have operation retrospectively. Questions of rights and interests are fully dealt with in the second clause, and therefore no injustice is done by reason of property taking a different course from what it would otherwise take, and persons being deprived of property which they now hold. The second clause makes ample provision against that, and, if it is inadequately expressed, show us that it is inadequate and we will endeavour to make it adequate. The only question, therefore, for the Committee now to consider is whether there is anything wrong in making this Bill retrospective. Upon this point I invite the consideration of your Lordships to a concrete case. A man has married his deceased wife's sister, and has a family by her. What would be the result of passing the Bill with this Amendment and having no retrospective effect? The father and mother could go to a registry office the day after the Bill became law and contract a perfectly valid marriage. Thereafter they would be perfectly free from blame, they would be man and wife according to law, they would be purged from any offence they had committed. But if the noble Earl's Amendment is accepted, the children, innocent of any offence, would remain subject to the stigma imposed upon them by the action of their parents, and yet from which those parents would be free. I am sure the noble Earl, who has advocated this Amendment as a matter of principle, will not contend that it is a good principle to be unmerciful to those who are blameless.

THE EARL OF ROSEBERY: I only intervene for the purpose of putting one point which has not been referred to. An objection to the Amendment is that if it passes there will be a limited number of these marriages contracted between 1835 and 1907 which alone will be invalid. All the marriages contracted before 1835 and those entered into after the passing of this Bill will be valid, but the marriages during the intervening seventy years will alone be invalid. Surely that would place the whole matter in a position of some ridicule.

*THE LORD BISHOP OF SALISBURY spoke in support of the Amendment, and held that if the principle of the Bill were adopted the proper course would be to allow persons who had already contracted these unions to legalise them by a subsequent marriage, and to allow children already born to them to be legitimised by that subsequent marriage. He thought that it would be a very serious thing wholly to condone by an Act of the Legislature the action of those who in the past had deliberately broken the law, and that not unfrequently with the added circumstance of perjury.

THE MARQUESS OF SALISBURY said he had profound pity for the children, and he would be very sorry if any words he had used had led anyone to a contrary opinion.

LORD LOREBURN: I never thought otherwise.

THE EARL OF SHAFTESBURY said that, although he still held that there were many arguments in favour of the Amendment, he admitted, after listening to what had been said by noble Lords opposite and by the Lord Chancellor, that there was a good deal to be said against it. In the circumstances, he would not press the Amendment.

Amendment, by leave, withdrawn.

*THE LORD ARCHBISHOP OF CANTERBURY moved to insert the words "other than a marriage hereafter contracted in England by solemnisation thereof by a clergyman in Holy Orders of the Church of England." He took the opportunity to say that he dissociated himself altogether from the wild and, in his judgment, improper words that had found their way into the Press on this subject, especially in an important letter published in yesterday's *Times*. He deeply deplored the use of phraseology that in his view could do nothing but harm. The Amendment he proposed he could not call his, for the words he asked their Lordships to put into the clause were taken *verbatim et literatim* from Bills as introduced again and again into Parliament and retained in those Bills when they passed through one House or the other. They had the effect of making these marriages civil marriages so far as the clergy of the Church of England were concerned; the clergy would not be able effectively to solemnise the marriage service for people within the prohibited degrees. The words were in the Bills which passed Second Reading in the House of Commons in 1901 and the five following years, and had for the first time disappeared from the present Bill. They were in the Bill which passed through all its stages in the House of Lords in 1896; and a similar provision, though not identical in terms, was in the Bills of 1883, 1884, 1885, 1886, 1889, and 1894. It could not, therefore, be said that the Amendment was now proposed by him in order unfairly to interpose a fresh difficulty. It would simplify matters by placing clergymen outside the Bill altogether. In the debate on Tuesday the repeated votes of the House of Commons were alleged by the Lord Chancellor and others to be conclusive as to the popular view in favour of the Bill. Though he (the Archbishop) had given reasons for qualifying that conclusion he admitted the strength of the argument. But let it be remembered that the assent was given to the Bill containing this very clause. Those who promoted the Bill in the past did right to include this provision. If the Act was to work smoothly, then let Parliament keep out of its compulsory or *quasi*-compulsory provisions the clergy, who, be it remembered, were under other obligations besides those they owed to the State. He would be the last to minimise those obligations to the State, but there were other and not less sacred obligations which they could not modify. Then, again, the example of our Colonies was cited, but, so far as the action of the clergy was affected, it was exactly the Colonial precedent which he asked the Committee to follow. It had been asserted that the clergy throughout the Colonies readily performed these marriage ceremonies, but those who made the assertion were absolutely mistaken. He held in his hand a copy of the present canons in force in South Africa, and in these the clergy were expressly directed to join in marriage no persons within the degrees of affinity laid down in the Prayer-book. In Canada also the table of affinity was adopted in the same way. It was, therefore, directly contrary to fact to say that in those Colonies—and so far as he knew it was the same in other Colonies—the clergy were kept wholly outside of the solemnisation of such unions. All he asked was that in this country the clergy should have the same position, that they should be absolutely free from any complicity in these marriages. If the Bill became law, his earnest desire was that it should work without needless friction or strife, and, greatly as he disapproved of the change, he would do his best, so far as the legal rights of citizens were concerned, to make it work smoothly. But to enable him to do that he asked their Lordships to put the clergy, who were in a position of extreme difficulty, outside the provisions of the Bill altogether. It would be urged that, under the provisions of the Bill, the clergyman might perform the marriage or not, as he liked; and therefore that there was no compulsion in the Bill. But under the Bill as it stood the clergyman of the parish must lend his church for the marriage if he were asked to do so by the parties supposing that they could find another clergyman to marry them. That meant that the clergyman of the parish must perforce hand over the church, which had been solemnly committed to his care, for a ceremony to which he was opposed, must proclaim the banns beforehand, must make arrangements for the marriage, must see that it was registered as a duly solemnised Church marriage; and thereby he became a contributory party to a proceeding which he conscientiously felt to be wrong. He assured their Lordships that there were many clergymen who would simply not do it. He was not criticising them or belauding them. It was not necessary for the purpose of his argument to say whether they were right or wrong. He was but telling their Lordships that there were scores of clergymen—to put it mildly—who would certainly not do it, who would say that to do it would be contrary to what they had solemnly undertaken, and who, rather than violate their consciences, would be driven to resign their benefices, or, failing that, in the last resort to go to prison. Then it was urged, If that be so, the better arrangement would be to make it optional to the clergyman whether or not he will lend his church. There can at least, it was said, be no compulsion then. No, but there would be a very real harm and danger in throwing upon the individual parish clergy the responsibility of making such choice. Lord Dunraven in introducing, in 1896, the Bill which passed through that House, had eloquently shown how unfair it would be to the clergy to lay upon them the responsibility of refusal or assent. He therefore begged their Lordships to relieve the clergy from a difficulty which they neither desired nor were in many cases qualified to meet in any effective way. For, be it remembered that, in country parishes, the difficulty was one which would press hardly on young and inexperienced clergymen and possibly even on young curates in charge of parishes in the absence of the incumbents. He was impressed by the words which were spoken on Tuesday last by the First Lord of the Admiralty in moving the Second Reading of the Bill. The noble Lord then said—

> "The Government, in making themselves responsible for this Bill, were actuated by no spirit of hostility towards any form of religious conviction, and had no desire to do violence to any conscientious scruples. All they asked was that those men and women who did not share such scruples, or accept the premises on which they were based, should be permitted to obtain the sanction of the civil law for a union which conflicted neither with their own moral and religious code nor with the general feeling of modern Europe, of the United States, or our Colonies."

He welcomed those words, and he felt perfectly clear that if they were going to give effect to them they must adopt the Amendment. His noble and learned friend Lord James of Hereford, in the eloquent speech he delivered the other day, called attention to the danger under which they would lie in England if on a large scale, or even a small scale, they placed men under what he described as clerical dominance. He fully shared that view and did not wish to see any clerical domination or autocracy Let them place the clergymen outside the Bill, leave these marriages to the civil law, and these difficulties would disappear. In anticipation of the Bill, he had written to South Africa inquiring whether any trouble arose there from the clergy being prohibited from performing these marriages, and the reply was that the situation of the clergy was recognised that they were well known to be prohibited from officiating in such cases, and that the parties were satisfied with a civil marriage. That was the position also in the island of Jersey, where these marriages were legal but where the clergy refused to perform them. He appealed to their Lordships to accept his Amendment, for it was only by passing it that the measure could be made to work harmoniously through the country at large for the benefit of those who, disregarding, as they were entitled in a free country to do, the rules of the Church of England, wished to take advantage of the civil law's permission to contract such unions.

Amendment moved —

"In page 1, line 6, after the word 'without' to insert the words 'other than a marriage hereafter contracted in England by solemnisation thereof by a clergyman in Holy Orders of the Church of England.'"—(*The Lord Archbishop of Canterbury.*)

LORD TWEEDMOUTH: My Lords, I am afraid that I shall once more come under the ban of the noble Marquess, Lord Salisbury, for being a disorderly person, but I think that if the Committee will allow me to be so I shall really assist the business to-day. The Amendments on the Paper in the names of the most rev. Primate and the Marquess of Salisbury are all driving at the same aim —to secure the position of the Church of England and its clergy. I think I had better say what I am going to ask the Committee to agree to with regard to the Amendments on the Paper, and then deal with the special Amendment which the most rev. Primate has just moved. I cannot accept the Amendment of the most rev. Primate now before your Lordships; but as to the others, I am quite ready to accept them, though not absolutely, for I must preserve to myself the right to make verbal Amendments to them should it appear necessary on consideration before Report. With that reservation I am quite prepared to see the other Amendments put into the Bill. With regard to the Amendment standing in the name of the Marquess of Salisbury, who proposes to leave out the whole of the second paragraph of Clause 1, I should prefer that the paragraph was retained, but that in cases where the clergyman refuses to perform the service the granting of permission to any clergyman to use the church should be made optional instead of obligatory, by the substitution of the word "may" for "shall." The paragraph would then read—

"Provided also that when any minister of any church or chapel of the Church of England shall refuse to perform such marriage service between any persons who, but for such refusal, would be entitled to have the same service performed in such church or chapel, such minister may permit any other clergyman in holy orders in the Church of England, entitled to officiate within the diocese in which such church or chapel is situate, to perform such marriage service in such church or chapel."

It is perfectly true that we are most anxious to respect the conscientious scruples of all ministers of religion of all denominations throughout the country, and to make this Bill, so far as they are concerned, as agreeable and easy to them as it is possible to make it. But when I come to the terms of the Amendment that has just been moved by the most rev. Primate I see very great difficulties indeed. It is true, as the most rev. Primate stated, that it has appeared in other Bills which have been brought before the Houses of Parliament in former years. But I think myself it ought not to have been in them. At any rate, I am not responsible for the Bills that have been introduced in previous sessions, whereas I am responsible for the Bill of which I now have charge. What does this proposal of the most rev. Primate involve? It would absolutely prohibit every single clergyman of the Church of England from solemnising those marriages; in fact, the Church is asking that it should receive a new power over and above the ecclesiastical law. The Church of England can make what laws it likes for its own clergy and its own servants, but I say it has not the right to call in the Statute law to back it up. The Church must enforce its own laws. What would be the result if this Amendment were adopted? The result would be that a marriage with a deceased wife's sister could be solemnised and valid by every minister of religion throughout the Kingdom except the clergy of the Church of England. Such a marriage would be civilly legal, but if a minister of the Church of England solemnised it it would be invalid. That is an extraordinary position for the Established Church to take up. And if a clergyman committed a breach of discipline, and solemnised such a marriage, the punishment for that breach would fall on the people who were going to be married. Therefore, I say that if the Committee accept the most rev. Primate's Amendment they will be introducing an absolute novelty into our law, and we shall be creating a new difference between ministers of religion of different denominations which surely is not desirable.

*THE LORD ARCHBISHOP OF CANTERBURY: Will the noble Lord explain to us what he meant when he said the Church was perfectly at liberty to act so as to protect herself absolutely? Other bodies are in a position to make any rules or provision they like, for their own protection. The power of the Church of England to do so is restricted: hence this Amendment.

LORD TWEEDMOUTH: What I impressed on the Committee was this, that with regard to this particular question the Church can make what rules it likes. What I say is that it is fair that each individual clergyman should be able to choose for himself whether he will solemnise such marriages. There ought to be perfect freedom to individual clergymen in the matter. Such marriages are in future to be sanctioned by the law of the country, and it seems to me that to say that individuals should be estopped from carrying out the laws of the land is a mistake and undesirable.

*VISCOUNT ST. ALDWYN said the description of the position of the clergy given by the noble Lord might be an admirable description of the position of the Congregational Church, but it was not a description of the position of the clergy of the Church of England. He understood that the clergy were bound by the canon law, which stated that these marriages were contrary to the law of God.

LORD TWEEDMOUTH: No.

*THE LORD ARCHBISHOP OF CANTERBURY: I referred specifically to the canon of 1603. The mere term "canon law" is a large and vague phrase which cannot suitably be used in this connection.

*VISCOUNT ST. ALDWYN said the clergy had undertaken to obey the canon and the canon stated that these marriages were contrary to the law of God. It was asked that the clergy should be free to disobey the canons, and the Bill proposed that a clergyman must lend the Church of which he was the trustee for the solemnisation or these marriages, and the announcement of banns. To his mind, that was a most unfair position in which to put the clergy, and it was absolutely unnecessary. Throughout, the contention of the promoters of the Bill had been that these marriages should be made legal. If the Bill passed that object would be secured, and by a registrar such marriages would be legal, and the children would be legitimate. Was that not enough? He hoped the measure would not leave that House before the consciences and rights of the clergy were completely safeguarded. It was not right that Parliament, in striving to do justice to those who desired this change in the law, should do injustice to others.

*LORD STANLEY OF ALDERLEY said the effect of the series of Amendments which the most rev. Primate had put down would be to prohibit the use of the fabrics of Churches for services in any way connected with the solemnisation of these marriages. The most rev. Primate had gone a long way beyond merely safeguarding the feelings and consciences of those clergy who considered these marriages sinful; he proposed also to prohibit those clergy who had no objection whatever to these marriages from taking any part in their solemnisation. The most rev. Primate was evidently prepared to take away from the clergy the liberty and rights of British citizens, and to prohibit them from solemnising marriages which it was lawful for all other ministers in the county to solemnise. The canon of 1603 only applied, he believed, to the province of Canterbury, and not to the province of York.

*THE LORD ARCHBISHOP OF CANTERBURY: The noble Lord is quite mistaken.

*LORD STANLEY OF ALDERLEY: I await correction.

*THE LORD ARCHBISHOP OF CANTERBURY said the noble Lord had evidently been studying Church history, but had stopped at the bottom of one page of the book and had not turned over to the next. There were one or two years when the canon was binding on the Province of Canterbury alone, but this was due to a sort of accident, and, when the facts were made clear, King James immediately issued new "Letters of Business" to the Northern Convocation. That body met, agreed to the canons, and forthwith they became operative in the Province of York. The noble Lord would find their actual signatures recorded in Wilkins' *Concilia.*

*LORD STANLEY OF ALDERLEY said he had not referred to any book at all, but before he made his statement had consulted a Prelate in the Province of York.

THE LORD BISHOP OF WAKEFIELD said he was very sorry he had misled the noble Lord. He only went as far as to say that he believed it was the case, but would deprecate using any authoritative expression.

*LORD STANLEY OF ALDERLEY said that even if the canon was binding throughout the whole of the kingdom, it could not be binding if repugnant to the statutes of the realm. As the law of the land was changed from time to time, these ecclesiastical canons had to give way. By the 25th of Henry VIII., Chapter 19, it was enacted that the canons were only valid in so far as they did not clash with the law of the land, and as the law was changed from time to time the canons had to give way. Indeed, many canons had been set aside, though he was not aware that they had been repealed. The first, he thought, of the canons of 1603 required every clergyman four times a year to preach a sermon on the supremacy of the King. He would like to know how many clergymen did that. He was sure that many clergymen would distinctly dislike preaching such sermons. He noticed that several right rev. Prelates cheered the statement that as these marriages were against the law of God clergymen could hardly be expected to acquiesce in them. He agreed that if particular clergymen had this conscientious objection Parliament ought to be very indulgent and give them relief; but the right rev. Primate's Amendment went too far. So long as the Church of England remained established, it must be subject to the law in a way no other Church was subject. Every step which the Church took to relieve itself of its obligations under the law was a step towards disestablishment.

THE LORD CHANCELLOR: I desire to say a few words to the Committee upon the most rev. Primate's Amendment, but I find myself in this peculiar position. I agree with nearly every premiss stated by the most rev. Primate and with every premiss stated by the noble Viscount, Lord St. Aldwyn, but I cannot see how they lead up to the Amendment. It is, I agree, necessary and just to give every protection to the consciences of the clergy, and I do not wish to compel them to do anything that would lead to ecclesiastical censure under the canons of the Church to which they have subscribed.

The Government have intimated, through my noble friend the First Lord of the Admiralty, that they are ready to accept a subsequent Amendment, standing in the name of the most rev. Primate, providing that no clergyman of the Church of England shall be liable to any suit, penalty, or censure—

> "For anything done or omitted to be done in the performance of the duties of his office to which suit, penalty, or censure he would not have been liable if this Act had not been passed."

If such a provision were adopted no clergyman's conscience need be violated. Should further words be necessary however, for the purpose of protecting the conscience of the clergyman, let them be inserted. The right rev. Primate has a new clause on the Paper to the effect that nothing in this Act shall relieve a clergyman in Holy Orders of the Church of England from ecclesiastical censure by reason of his contracting such a marriage. I accept all that. But the Amendment now before the House is to this effect, that whereas the Bill provides that no marriage between a man and his deceased wife's sister shall be deemed void or voidable, as a civil contract, by reason only of such affinity, this enactment shall not apply to such marriages contracted hereafter in England if solemnised by a clergyman of the Church of England. That is the Amendment. It means that members of the Church of England who find a clergyman of the Church of England willing to marry them are not to be considered as married persons. The marriage is to be vitiated. No harm is done to the clergyman; the persons harmed are those who supposed they were entitled to have the familiar marriage ceremony of the Church of England. That, my Lords, is the only effect of the Amendment. How can any principle of toleration or liberty be invoked in favour of such a proposal?

VISCOUNT HALIFAX said there were other persons than the clergy who had conscientious scruples in this matter. The Bill would compel the laity in the various churches to listen to the putting up of banns for marriages which the canons of the Church of England declared to be contrary to the law of God. The noble Lord in charge of the Bill had told the Committee that the Church of England must be allowed, like any other religious community, to make her own rules, but in the very next breath he said that the clergy were to be free to disregard those rules as they liked. That was professing to give liberty with one hand and withdrawing it with the other.

THE EARL OF ROSEBERY: I wish to ask two questions on this Amendment. I am no great enthusiast on this question either way, but I am anxious to clear up this particular matter. I wish to ask the most rev. Primate whether the clergy of the Church of England will be enabled, if his Amendment be passed, to solemnise the religious service in their church after the civil ceremony has been performed?

*THE LORD ARCHBISHOP OF CANTERBURY: There is a provision in the "Civil Marriages" Act of 1836 which provides that any persons who have been so married by the registrar, and desire subsequently to have a religious ceremony, may, if the clergyman consents, go through the form of the religious service. That, however, is not to be the marriage. The marriage is to be reckoned from the time of its celebration in the registry office. I am not advocating that the clergy should adopt that course, lest I should seem to be saying that I thought that the proper procedure was for the clergy to do the thing in that informal way when prohibited from solemnising the marriage formally.

THE EARL OF ROSEBERY: That seems to me to be a practical point. I myself am under the belief that that is the best form of marriage throughout the State. I believe that marriages should be civil marriages first for the convenience of the register, and that the Church to which the married people belong should afterwards give them its blessing. Therefore on that point alone I should be rather disposed to vote for the Amendment of the most rev. Primate as a step in that direction, and as also removing a possible cause of offence to the tenderest conscience of any clergyman of the Church of England. I now come to my second question. It appears that the Amendment of the most rev. Primate—I do not state this on my own authority, it is stated on both sides—did appear in nearly every Bill that has been introduced on this subject.

*THE LORD ARCHBISHOP OF CANTERBURY: I did not say quite that. It has appeared *verbatim et literatim* seven or eight times, and has on several other occasions been suggested in different words.

THE EARL OF ROSEBERY: At any rate, it has appeared in many previous Bills, and there must have been some reason for its introduction. My noble friend the First Lord of the Admiralty says now—quite properly—that he is responsible for this Bill, and, not agreeing with that provision, has dropped it. But why was it put in in seven previous Bills? I would like to know the history of the abandonment of those words before I can consent to vote for the Bill as it stands at present.

LORD TWEEDMOUTH: We have considered this question very closely indeed, and it seemed to us that it was not desirable to accept this Amendment because it would contravene the statute law of England and give a new power to ecclesiastical law.

LORD JAMES OF HEREFORD said, with regard to Lord Rosebery's second question, it would be difficult to trace the framing of any of these Bills. They had been in the hands of a great many private Members, but a Bill legalising marriage with a deceased wife's sister had never before been taken up by the Government. His Majesty's Government could hardly be held responsible for the views of private Members who had introduced these Bills on previous occasions. Those who took the greatest interest in this question were desirous to do nothing which would offend the consciences of the clergy, and they had said that no clergyman should be compelled to celebrate any one of these marriages. But there were a vast number of clergymen who wished to see the present law altered and who were willing and anxious to celebrate these marriages. The Amendment would forbid them. The persons desirous of contracting a marriage of this kind might wish it solemnised in the parish church in which their ancestors had been married, and it astonished him that it should be argued that these people should be driven to the registry office against their will. These marriages were either right or wrong; if right, surely they ought to be solemnised in a sacred building, and if wrong, they ought not to be allowed at all. The most. rev. Primate had stated that these marriages were not celebrated in the Colonies by clergymen of the Church of England.

*THE LORD ARCHBISHOP OF CANTERBURY: I did not say that I had precise knowledge as to every Colony. I have no reason to doubt the general adoption of the rule, but I have not made exhaustive inquiries.

LORD JAMES OF HEREFORD said that in the great majority of the Colonies, now seventeen in number, where these marriages were allowed by law, he was informed on very good authority that they were willingly celebrated by clergymen of the Church of England. In Canada it was so.

*THE LORD ARCHBISHOP OF CANTERBURY said he had referred to the canon or rule laid down by the Church in Canada, which prohibited clergymen from celebrating these marriages.

LORD JAMES OF HEREFORD said the canon referred to, no doubt, what existed in Canada, but the clergy there took the right and legal view that where the canon law did not conform to the law of the State, then the law of the State prevailed, and they were bound to obey it. That was laid down in the judgment of Lord Hardwicke. It was not a question what the canon was, but what the clergy did; and the clergy in Canada and other Colonies willingly celebrated these marriages. We had had many statutes similar to this Bill sent over from the various Colonies, but in none of these Acts did the clergy in the Colonies ask for the protection which by this Amendment the most rev. Primate was asking for the Church of England in this country. He had only one other point to put, and it was this—a man was anxious to have a marriage of this kind celebrated with a religious ceremony. He would know, if this Amendment was carried, that it could not be done according to the rites of the Church of England, but that it could be performed in the Roman Catholic Church, and in the places of worship of Nonconformist bodies. Did they not think such a man was more likely to go where he could get his marriage celebrated than to follow his creed? It seemed to him that the Amendment was more likely to produce deserters from the Church of England than recruits to it.

THE LORD BISHOP OF BATH AND WELLS said he had been a bishop in Australia for twelve years, and it might interest the noble and learned Lord who had just sat down to know what his experience in this matter had been. The law of the land recognised, perhaps he might almost say encouraged, such marriages, but he only knew of two applications made to clergymen to solemnise marriages of this kind, and in neither case did the clergymen comply.

THE LORD BISHOP OF SOUTHWARK said that if the view of Lord Stanley of Alderley was adopted it would follow that whenever Parliament made any change in the statute law, in matters of this kind, the law of the Church would be changed. They were not living in the times of Henry VIII., and he would be greatly surprised if any but a very small number of Members of the House, accepting the modern principle of liberty of conviction, were to think that any spiritual body, be it the Church of England or any other, could prolong its existence on such terms as these. Another point was this. It seemed to him perfectly clear that the plan on which the First Lord of the Admiralty was proceeding was that of pure individualism. The notion that the individual parson was an officer of the Church to which he owed loyalty and allegiance was altogether absent. Would any Nonconformist body tolerate the view that what was to be done in their name was to depend entirely on an individual officer? There must be a corporate conviction and a corporate conscience in all religious bodies. In all other bodies an officer who did not act in common with the corporate conviction could be brought to book. Was it reasonable that the Church of England should be the only body put in an inferior position in that matter? Then the wishes and convictions of the congregation had also to be considered. There was nothing in the Church of England at this time which was causing more anxiety than the bearing of the divorce laws on its internal economy. If a parson was found, and he was glad to say he was seldom found, who would marry divorced persons in his church, it was an offence to the congregation which could not be exaggerated. Did their Lordships wish to extend the area of friction and to increase the number of cases in which that kind of harm was done in the Church of England? He had confidence in their Lordships' judgment, and he felt that they would decide that the Church ought to be so treated in the Bill as to free her from these dangers.

*THE LORD PRESIDENT OF THE COUNCIL (The Earl of CREWE): I wish to call your Lordships' attention to the first of the two questions which were put to the most rev. Primate by my noble friend Lord Rosebery. My noble friend asked whether it was not possible that the actual marriage ceremony might take place civilly and be followed by a religious service in the Church. The most rev. Primate, in a passage which I confess impressed me considerably, has drawn attention to the hardship which might be placed upon a young and inexperienced clergyman by leaving him an option whether the ceremony should or should not be performed in his church; but it seems to me that the value of that argument disappears in view of the answer which was given to Lord Rosebery by the most rev. Primate, because the young and inexperienced clergyman will still be left with this painful option whether or not he is to lend his church for a religious ceremony after the civil ceremony. That seems to me also to dispose of the argument used by the right rev. Prelate who has just sat down, in which he combatted the notion that any individual choice was to be left to the clergyman. That particular individual choice—and this service, I suppose, must be not less painful to those who object to these marriages than the actual binding ceremony—is apparently left to the clergyman to exercise, and under these circumstances I confess I do not see that the Amendment of the most rev. Primate would, if carried, meet the case which he considers to be one of hardship.

*The Marquess of LANSDOWNE: My Lords, if I venture to add only half a dozen words to this debate I do so with very considerable diffidence, but I feel that it would be almost cowardly to give a silent vote on an occasion like this. I have always been a supporter of this Bill; my support of it in this House extends back to a remoter period than that at which most of the noble Lords I am addressing entered this House. I have supported it on its merits, and also because, in my view, it had this great recommendation, that it was likely to bring to a close a very bitter and invidious controversy. I understand the argument of the most rev. Primate to be this, that if by the Bill as it now stands we get rid of one source of friction and controversy we are likely unless we amend it to produce another and a more serious one within the ranks of the Church. I am bound to say that, if I regard the Bill as it now stands, I am constrained to admit the force of that argument. The Bill, as it now stands, compels a clergyman, whether he likes it or not——

Lord TWEEDMOUTH: No.

*The Marquess of LANSDOWNE: The Bill, as I understand it, compels the clergyman to lend his church.

Lord TWEEDMOUTH: All that is proposed is that he may permit the use of his church. I have explained that I propose to substitute the word "may" for the word "shall" as it stands in the Bill.

*The Marquess of LANSDOWNE: Quite so. I am taking the Bill as it now stands. The Bill on the Table says that the minister who refuses to perform the marriage himself—

> Shall permit any other clergyman in Holy Orders in the Church of England entitled to officiate within the diocese in which such church or chapel is situate to perform such marriage, service in such church or chapel.

That is the text of the Bill as it now stands. I think that goes too far, and therefore I should not be content to support that provision as I find it. Then I come to the remedy proposed by the most rev. Primate. If he will allow me to say so, I think his remedy goes rather too far in the other direction. As I interpret his proposal, it would have this result—that these marriages, if contracted in England and solemnised by a clergyman in Holy Orders of the Church of England, would be void or voidable as a civil contract. That seems to me to be a somewhat violent proposition. The effect of the most rev. Primate's proposal would also, I understand, be that it would not be possible for any clergyman to permit the use of his church for the publication of the banns of marriage or for other similar purposes on such occasions. In short, it comes to this, that the Amendment would relegate the parties to the Registrar's office. I think that is the real effect of it. That seems to me to go beyond the necessities of the case. We have now proposed to render these marriages legal; but I am sure it is within the knowledge of many of your Lordships that to many people, particularly to people in a humble position of life, it makes the whole difference whether the marriage is accompanied by a religious ceremony in the church, or whether it is performed outside the walls of a consecrated building. I cannot but think that this House would take a very serious responsibility on itself in banishing those who wish to contract these marriages to the registrar's office. I am therefore disposed to look with favour on the proposal of the First Lord of the Admiralty to deal with this question by an Amendment of the proviso in Clause 1, an Amendment which would leave it optional to the minister to permit the use of his church for a marriage of this kind. And when I say that, I trust the most rev. Primate will not think that I underrate the force of the argument which he used when he told the House that he saw great objections to making this question a matter for the discretion of individual clergymen; but to me it seems that this would be the lesser evil of the two. If a clegyman is honestly willing that one of these marriages should take place in his church, I cannot see why the Statute Law should step in and forbid him from permitting it. The most rev. Primate suggested that in his view it would be better that the clergy should stand outside this Bill altogether. Is it too much to suggest that an individual clergyman should stand aside and allow his church *pro hac vice* to be used by another clergyman for the purpose of solemnising a marriage of this kind? I took note, as the Lord President did, of the very remarkable statement made by the most rev. Primate to the effect that there is now nothing to prevent a clergyman, after the performance of the civil ceremony in the registrar's office, from reading a divine service of some kind in church, and thereby giving, as it were, a sort of —shall I say—sanction, or benediction to a marriage with a deceased wife's sister. Surely, if there is nothing abhorrent in the idea of a service of this kind being performed within the church by the incumbent himself, it cannot be so utterly abhorrent that in the absence of the incumbent the ceremony should be performed by some other clergyman who is willing to perform it. The right rev. Prelate who spoke last from that Bench asked us to bear in mind the feelings of the congregation. But surely if a congregation are thin-skinned upon matters of this kind the members of it would be as much affronted if there was to be a service, no matter what you call it, by their clergyman, performed over a couple who had contracted one of these marriages and been married at the registrar's office, as if the marriage service were to be performed, with the full approval of their own clergyman, by some other clergyman willing to come forward and perform the service within the walls of the church. For these reasons I shall vote for the proposal of His Majesty's Government when we come to the proviso and against the Amendment of the most rev. Primate.

LORD TWEEDMOUTH; I wish to apologise to the noble Marquess for having too previously interrupted him in his speech. I was pleased to hear that speech, for it represents very largely the views I have been endeavouring to explain to the House. As to what was said by the right rev. Prelate the Bishop of Southwark, I wish to say that I do not for one moment desire to put clergymen of the Church of England in a different position from those of any other church. On the contrary, my object is to keep them on the same level. What I complain of in the most rev. Primate's Amendment is that he is calling in the Statute Law to put the Church of England in a different position from that of any other religious denomination in the kingdom.

*THE LORD ARCHBISHOP OF CANTERBURY said that the distinction between the informal and devotional reading of a service and the formal celebration of a marriage in church was that the latter involved a great deal more than the mere reading of the service. It involved registration, the publication of the banns, and the other preliminaries which involved in most cases the co-operation of the ministers of two churches. He did not in any way advocate the use of the particular service to which Lord Rosebery had referred. He did not think it would be used in connexion with marriages of this sort, but he could not deny that such a possibility did exist. The noble Lord denied that the Bill was making a distinction between one church and another; but the Church of England was being placed at a real disadvantage, and he contended that they should be able to defend themselves corporately as well as individually, by making it practically impossible for their ministers to solemnise a marriage which was condemned by the rulers of their Church.

THE MARQUESS OF SALISBURY could not give a silent vote which was to be in the teeth of the one above all others whom it had been his privilege and delight to follow. On this occasion he was unable to follow his noble friend Lord Lansdowne. He could not believe that their Lordships realised how impossible a situation they would put the Church into if they said that there should be a want of correspondence between that which was suggested by the Bill and the law by which they themselves were governed. The Bill as the noble Lord proposed to amend it would provide that a clergyman might do that which was forbidden by the regulations of the Church. He was in an entirely different position from that of a Nonconformist minister. It was contrary to the law of the Church that a clergyman should do what seemed right in his own eyes. The Church of England should not be reduced to the position of the Congregationalist community, each congregation making rules for itself. That was not the view of the Church of England; its members desired to be governed by one rule, and for a clergyman to except himself from the rule would not be acceptable to members. The responsibility should not be thrown upon the individual clergyman; he was entitled to the protection of the law in obeying the guidance of his Church. He earnestly entreated their Lordships to support the Amendment.

On Question, "That those words be there inserted," their Lordships divided:—Contents, 65; Not-Contents, 108.

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Loreburn, L. (*L. Chancellor.*

Crewe, E. (*L. President.*)

Ripon, M. (*L. Privy.Seal.*)

Argyll, D.
Bedford, D.
Richmond and Gordon, D.
Wellington, D.

Camden, M.
Hertford, M.
Lansdowne, M.

Camperdown, E.
Carlisle, E.
Carrington, E.
Cawdor, E.
Clarendon, E.
Cowley, E.
Craven, E.

Dartrey, E.
Devon, E.
Hardwicke, E.
Ilchester, E.
Jersey, E.
Kimberley, E.
Londesborogh, E.
Morley, E.
Morton, E.
Northesk, E.
Onslow, E.
Radnor, E.
Scarbrough, E.
Stanhope, E
Vane, E. (*M. Londonderry.*)
Verulam, E.
Wharncliffe, E.

Althorp, V. (*L. Chamberlain.*)
Churchill, V.
Hampden, V.

Hood, V.
Hutchinson, V. (*E. Donoughmore.*)
Milner, V.
Templetown, V.

Abinger, L.
Airedale, L.
Allendale, L.
Ardilaun, L.
Ashbourne, L.
Barnard, L.
Barrymore, L.
Belhaven and Stenton, L.
Blyth, L.
Boyle, L. (*E. Cork and Orrery.*)
Calthorpe, L.
Cheylesmore, L.
Clonbrock, L.
Cloncurry, L.
Colebrooke, L.

Courtney of Penwith, L
Dawnay, L. (*V. Downe.*)
Denman, L. [*Teller.*]
Digby, L.
Dormer, L.
Dunalley, L.
Dunboyne, L.
Dunleath, L.
Elgin, L. (*E. Elgin and Kincardine.*)
Ellenborough, L.
Elphinstone, L.
Eversley, L.
Farrer, L.
Fingall, L. (*E. Fingall.*)
Fitzmauriee, L.
Glantawe, L.
Granard, L. (*E. Granard.*) [*Teller*]
Haversham, L.
Headley, L.
Hemphill, L.
Herschell, L.
James, L.
Kilmaine, L.
Kilmarnock, L. (*E. Erroll.*)
Kinnaird, L.
Kintore, L. (*E. Kintore.*)
Lamington, L.
Lawrence, L.
Leith of Fyvie, L.
Lurgan, L.
Manners, L.
Massey, L.
Konk Bretton, L.
Monteagle of Brandon, L.
Muskerry, L.
O'Hagan, L.
Oriel, L. (*V. Massereene.*)
Ramsay, L. (*E. Dalhousie.*)
Ranfurly, L. (*E. Ranfurly.*)
Rathmore, L.
Ritchie of Dundee, L.
Stanley of Alderley, L.
Sudley, L. (*E. Arran.*)
Talbot de Malahide, L.
Templemore, L.
Tweedmouth, L.
Tyrone, L. (*M. Waterford.*)
Ventry, L.
Weardale, L.
Welby, L.
Wemyss, L. (*E. Wemyss.*)
Wynford, L.

VISCOUNT HALIFAX, who had the following proviso on the Paper—

"Provided always that nothing in this Act shall be held in any way to affect the existing marriage law of the Church of England, the Established Church of Scotland, the Roman Catholic Church, or that of any other religious body,"

said that this Amendment was put down for the purpose of bringing the Bill into harmony with the declarations of the First Lord of the Admiralty in his speech in moving the Second Reading of the Bill. Its object was to prevent the law of the Church of England being affected by a side-wind; but an Amendment of which the most rev. Primate had given notice covered the whole ground, and therefore he would not move his Amendment.

THE LORD ARCHBISHOP OF CANTERBURY moved the omission of the words "compelled to solemnise the marriage of any man with his deceased wife's sister or shall be." He understood that the noble Lord in charge of the Bill would accept this Amendment.

Amendment moved—

"In page 1, lines 10 and 11, to leave out the words 'compelled to solemnise the marriage of any man with his deceased wife's sister or shall be.'"—(*The Lord Archbishop of Canterbury.*)

LORD TWEEDMOUTH said he was prepared to accept this Amendment and also the remaining Amendment standing in the name of the most rev. Primate.

On Question, Amendment agreed to.

THE LORD ARCHBISHOP OF CANTERBURY moved the insertion of words providing that no clergyman should be liable for "anything done or omitted to be done by him in the performance of the duties of his office to which suit, penalty, or censure he would not have been liable if this Act had not been passed."

Amendment moved—

"In page 1, line 12, to leave out from the word 'for' to the word 'provided' in line 22, and to insert the words 'anything done or omitted to be done by him in the performance of the duties of his office to which suit, penalty or censure he would not have been liable if this Act had not been passed.'"—(*The Lord Archbishop of Canterbury.*)

On Question, Amendment agreed to.

THE MARQUESS OF SALISBURY, who had given notice of an Amendment to leave out the whole of the second paragraph of Clause 1 which had been read to the House earlier in the evening by the First Lord of the Admiralty, said that after the decision at which the Committee had just arrived he would not move his Amendment, but would be satisfied with the substitution of the word "may" for "shall."

LORD TWEEDMOUTH then moved his promised Amendment to leave it optional with the minister of any church or chapel of the Church of England, who refused to perform the marriage service himself, to allow it to be celebrated in the church or chapel by another clergyman of the Church of England entitled to officiate within the diocese.

Amendment moved—

"In page 1, line 18, to leave out the word 'shall' and to insert the word 'may.'"—(*Lord Tweedmouth.*)

On Question, Amendment agreed to.

LORD BALFOUR OF BURLEIGH moved to amend the last paragraph of Clause 1—

"Provided that in case, before the passing of this Act, any such marriage shall have been annulled, or either party thereto (after the marriage and during the life of the other) shall have lawfully married another, it shall be deemed to have become and to be void upon and after the day upon which it was so annulled, or upon which either party thereto lawfully married another as aforesaid,"

by inserting, after the first "annulled," the words "or proceedings for the dissolution of such marriage shall have been commenced." This Amendment seemed to him to tell its own tale and to be obviously right. If proceedings had been commenced for the dissolution of such marriage it was clear that the parties did not want to have their marriage made irrevocable, and they should not be made into married persons against their will.

Amendment moved—

"In page 1, line 23, after the word 'annulled' to insert the words 'or proceedings for the dissolution of such marriage shall have been commenced.'"—(*Lord Balfour of Burleigh.*)

LORD TWEEDMOUTH: I do not quite understand the object of the insertion of these words.

LORD STANMORE said he took the object to be this, that if certain persons had married illegally knowing that it was illegal and wishing not to avoid the consequences of the illegality, it was hard upon them to force them into a legal marriage which they did not wish.

THE MARQUESS OF SALISBURY said that the words in the Amendment might not be absolutely accurate, but it was clear that there was a case which ought to be met. There were cases where the parties were intent on annulling the marriage and had actually taken the preliminary steps to that end, and it was very hard that an Act of Parliament should interfere and declare them to be married whether they liked it or not.

LORD TWEEDMOUTH: I will consent to the words being put in now, subject to reconsideration on Report.

On Question, Amendment agreed to.

THE DUKE OF NORTHUMBERLAND moved further to amend the same paragraph by inserting, after the last "annulled," the words "or upon which proceedings for the dissolution of such marriage shall have been commenced." This was, he explained, consequential upon Lord Balfour's Amendment.

Amendment moved—

"In page 1, line 26, after the word 'annulled' to insert the words 'or upon which proceedings for the dissolution of such marriage shall have been commenced.'"—(*The Duke of Northumberland.*)

On Question, Amendment agreed to.

Clause 1, as amended, agreed to.

Clause 2:—

LORD BALFOUR OF BURLEIGH called attention to the provision that—

"No right, title, estate or interest, whether in possession or expectancy, and whether vested or contingent at the time of the passing of this Act, existing in, to, or in respect of any dignity, title of honour, or property, and no act or thing lawfully done or omitted before the passing of this Act shall be prejudically affected."

The object of this, of course, was to safeguard all rights of property notwithstanding the retrospective action of the Bill, but he thought that if the contingent right to property was saved they should also save the presumptive right to a title. He therefore moved to insert after the word "contingent," the words "or presumptive."

Amendment moved—

"In page 2, line 2, after the word 'contingent' to insert the words 'or presumptive.'"—(*Lord Balfour of Burleigh.*)

LORD TWEEDMOUTH: This Amendment was moved in the House of Commons by Mr. Cave and seconded by Lord Robert Cecil, but was opposed by my right hon. friend Mr. Haldane, who I think the noble Lord will consider to be a good legal authority. My right hon.

friend pointed out that the word "presumptive" was too much of an expectancy to be considered, and the Amendment was withdrawn on the ground that this was altogether too remote and uncertain a contingency to provide for in the Bill. It seems to me that the decision in the House of Commons was a sound one, and I hope your Lordships will accept it.

LORD BALFOUR OF BURLEIGH said he always endeavoured to inform himself of what passed in another place, but the House of Commons had taken to such irregular hours that it was difficult to follow their proceedings, and he had never heard the objection taken to this proposal by Mr. Haldane until that moment. He would be indisposed to set his opinion against that of Mr. Haldane, but he thought the presumptive heir to a title had a grievance if an Amendment of this kind were not inserted to save him. Let them take the case of a peerage or a baronetcy. It might happen that but for the passing of this Bill a certain individual would succeed to the title because those who would otherwise stand in his way were not legitimate. As this Bill had a retrospective action, it might come in the way of the succession of that individual. He did not know whether the words he proposed to insert were the right ones or not, but it seemed to him that without some such provision there would be injustice.

LORD TWEEDMOUTH: If the noble Lord will withdraw the Amendment now I will undertake to inquire further into the point and make a statement upon it on Report.

Amendment, by leave, withdrawn.

Clause 2 agreed to.

Clause 3 agreed to.

*THE LORD ARCHBISHOP OF CANTERBURY moved the insertion of a new clause, the object of which would, he said, be obvious. He understood that the Government accepted the Amendment.

Amendment moved—

"To insert the following new clause:—'(4) Nothing in this Act shall relieve a clergyman in Holy Orders of the Church of England from any ecclesiastical censure to which he would have been liable if this Act had not been passed by reason of his having contracted or hereafter contracting a marriage with his deceased wife's sister.'"—(*The Lord Archbishop of Canterbury.*)

LORD JAMES OF HEREFORD: What is the meaning of the word "censure"?

*THE LORD ARCHBISHOP OF CANTERBURY: That is a difficult question, and one which it is hardly reasonable to expect me to answer in a single sentence.

LORD JAMES OF HEREFORD: Would it cause the deprivation of the clergyman?

*THE LORD ARCHBISHOP OF CANTERBURY: I suppose that what is technically called a "censure" might in the last resort reach that penalty.

LORD TWEEDMOUTH: I accept the Amendment.

On Question, Amendment agreed to.

Clause 4 agreed to.

VISCOUNT GOSCHEN said the Bill removed but one of several disabilities under the marriage law. Why should it be legal for a man to marry his deceased wife's sister and illegal for him to marry her niece? The marriage law should be as logical and consistent as possible, and before a Bill amending it in any respect was passed by Parliament there ought to be an inquiry to ascertain the views of the public on the subject. Surely when so momentous a change as this was proposed, no objection should be taken to any reasonable delay. He therefore moved the new clause standing in his name.

Amendment moved—

"After Clause 4 to insert the following new clause:—'It shall be lawful for His Majesty to appoint a Commission to inquire and report whether it is expedient to make other Amendments in the law relating to marriage within the prohibited degrees in order to bring the principle of these degrees into conformity with the provisions of this Act. Such report shall be laid before Parliament, and thereupon His Majesty may issue an Order in Council bringing this Act into force. The order shall be laid before Parliament, and unless within the next subsequent forty days an address is presented to His Majesty by either House of Parliament, praying that such order be annulled, this Act shall come into force accordingly, but not otherwise.' "—(*Viscount Goschen.*)

LORD TWEEDMOUTH: The Amendment which the noble Viscount has moved is, in the first place, dilatory, and, in the second place, altogether unnecessary. It would also be a very unusual one. Surely it is an extraordinary idea to introduce a clause into a Bill to say that it shall be lawful for His Majesty to appoint a Commission. The appointment of a Commission is part of the ordinary function of the Sovereign. It may be very suitable, I agree, that a Commission should consider the whole subject of the marriage laws, but not this particular point; and if you did appoint a Commission, as proposed, the result might be that the Bill would be postponed for another seventy years. I cannot accept the Amendment, and, indeed, I do not think it is one which would be at all proper for your Lordships to place in the Bill.

THE MARQUESS OF SALISBURY did not think that on the point of form the noble Viscount could be quite accurate. There was no doubt that his noble friend's intention was that a Commission should be appointed, but it would not be regular in an Act of Parliament to direct the King to appoint a Commission. But that was only a matter of form. The point of the Amendment was really a very substantial one. The striking circumstance which emerged from the Second Reading debate was that the Government were unable to give any kind of consistent view on what principle they thought the table of affinity should henceforth be drawn. The point was again and again in the course of the debate put to noble Lords who supported the Bill, but they could not tell the House what they thought ought in the future to be the principles of the table of affinity. The Lord President made an ingenious speech, but did not attempt to tackle that particular point. Not one of the speakers on the other side could give even a colourable reason why the deceased wife's sister should be selected from among the host of other relationships, some of which stood even further off from the husband. He had asked noble Lords opposite whether they were willing to part with the degrees of affinity altogether, but instead of answering the question they only looked shocked. Even the dexterity of the Lord Chancellor could not extricate them from the difficulty of explaining why, if marriage with a deceased wife's sister was allowed, marriage with a deceased wife's niece should not also be legal. Then there was the very awkward question of the stepdaughter. Why were noble Lords who supported this Bill shocked at such a marriage as that? He was shocked, of course, but then he was consistent. At present our system was consistent, but if the law was to be tinkered with all the degrees of affinity ought to be considered. They were really entering upon a sea absolutely without a chart. What was it that the noble Viscount proposed? The noble Viscount said, in effect, that this matter had not been properly considered. Surely before this alteration was made in the marriage law the degrees of affinity and the extent to which they were affected by this change should be considered. Let them take the case—he knew of one—where the sister-in-law was of an age about equal to that of one of the daughters of the marriage—that was to say, quite young. She was treated by her brother-in-law in almost a paternal manner and brought up in the same house under his care and guardianship. Then on the death of his wife this man would be able to marry this child whom he had treated in a paternal manner and who had been brought up under his guardianship. Their Lordships were not shocked; then why should they be shocked at a man marrying his deceased wife's niece. All that his noble friend who had moved the Amendment asked was that before enacting this absolutely illogical and indefensible exception there should be some inquiry. The noble Lord in charge of the Bill had stated that the acceptance of the Amendment might put off this reform for seventy years.

He had heard of Commissions which took a long time to deliberate, but he had never heard of one which took seventy years. The First Lord of the Admiralty, of course, was romancing. What would happen was that the Commissioners appointed in pursuance of this Amendment would sit and consider these real difficulties. It would, above all things, have to hear the opinion of the women of England. He wished the voice of the women of England could be heard on this question. No one seemed to pay the least attention to the opinion of women on this question. He had always been an opponent of woman suffrage; but he confessed the passage of such a Bill as this very much shook him, because he believed if the women had the vote there would be a very different appearance in the House of Commons in respect to this measure. The noble Lord in charge of the Bill had described the Amendment as dilatory. No doubt it was dilatory in the sense that it would involve a certain amount of time, but it would not throw away the work of Parliament in respect of this Bill. It would not necessitate the debate beginning all over again in the House of Commons and in the House of Lords. All the work which had been done on this Bill would stand absolutely. No doubt there would be one more stage, but after the Report of the Commission Parliament would be asked whether, in view of that Report, they still held to the opinion which was expressed on the Second Reading. That was the extent to which the Amendment would be dilatory; it would not be dilatory to the extent of destroying what Parliament had achieved. And in approaching a matter of such importance he did not think that it was asking too much that there should be a little further consideration.

LORD TWEEDMOUTH: I will answer my noble friend out of his own mouth. He asserted that we have not shown any good reason for bringing forward this Bill, and he added that this was an exceptional case. Well, that is the very reason why we are pressing this Bill. Of all the marriages coming under the law of affinity nine-tenths belong to this category. It is a very old story. In 1835 the justice of this legislation was admitted, and it was only by a chance, which I have already explained, that things were not settled in that year. Ever since then there has been a great demand for this relief, and the Commission of 1847 went very closely into the whole matter, and recommended it very strongly. Since that time the question has been brought again and again before the Houses of Parliament, who again and again have assented to the principle of the Bill. I think there is a complete case for dealing with it in a quick and complete manner, and I do not think there is any necessity whatever for further inquiry by a Commission.

THE DUKE OF NORTHUMBERLAND said it appeared that relief was being given in this case because of the number of marriages coming under the law of affinity which belonged to this category. Therefore it was only a question of counting of noses, and not one of principle. Last year, as the Lord Chancellor had reminded them, a Bill was passed dealing with one point in the marriage law. This year marriage with a deceased wife's sister was attacked. Where would they stop? Stone by stone they were taking down the whole fabric of our marriage laws. The noble Lord in charge of the Bill had declared that if the Amendment were carried, there would be no further action in the matter for seventy years. The only possible interpretation of that remark was that the noble Lord knew how bad was the case of those who supported the Bill, and that, if a Royal Commission were to inquire into the whole subject, they would hear nothing more of this kind of legislation.

VISCOUNT HALIFAX urged the Government to consider seriously the proposal embodied in this new clause. It was said that the marriage laws were in confusion and ought to be considered as a whole. If this Bill passed he could assure their Lordships it would certainly not bring peace, for the clergy as a body would refuse to celebrate these marriages. On the other hand, only two days ago Mr. Paynter Allen, the Secretary of the Marriage Law Reform Association, while referring to this Bill as the success of his life, said there were many other extensive questions still remaining to be dealt with. If their Lordships passed this Bill as it stood they would take a step which would make it quite impossible that things should remain where they were, and he earnestly pressed His Majesty's Government seriously to consider the proposal embodied in the Amendment. The Lord Chancellor, in his speech on the Second Reading, had told the House that the whole of the marriage laws were in complete confusion; there was one law in England, another in Ireland, another in Scotland, and, again, different laws in the Colonies. The Divorce Court was a source of collusion and perjury and was poisoning the foundation of morals in this country; and he was convinced that there was nothing more important for the welfare of the country than that the whole of the marriage laws should be considered and an attempt made to put them on some reasonable and logical basis. If this were not done they would go from bad to worse.

Amendment, by leave, withdrawn.

Standing Committee negatived.

The Report of amendments to be received on Monday next; and Bill to be printed as amended. [No. 205.]

SHERIFF COURTS (SCOTLAND) BILL.

Brought from the Commons and read 1ª; to be printed; and to be read 2ª Tomorrow.—(*The Lord Hamilton of Dalzell.*) [No. 206.]

EXPIRING LAWS CONTINUANCE BILL.

Brought from the Commons and read 1ª, and to be printed. [No. 207.]

PUBLIC WORKS LOANS BILL.

Brought from the Commons and read 1ª, and to be printed. [No. 208.]

WHALE FISHERIES (SCOTLAND) BILL.

Brought from the Commons and read 1ª; to be printed; and to be read 2ª Tomorrow.—(*The Lord Hamilton of Dalzell.*) [No. 209.]

NOTIFICATION OF BIRTHS BILL.

Brought from the Commons and read 1ª; to be printed; and to be read 2ª Tomorrow.—(*The Lord Allendale.*) [No. 210.]

EVICTED TENANTS (IRELAND) BILL.

Order of the day read, for the consideration of Commons Amendments to Lords Amendments and Commons reasons for disagreeing to certain of the Lords Amendments.

Clause 1:—

*The Earl of CREWE: Perhaps I may first of all remind your Lordships that the Bill to which reference is made in the Paper containing the Commons Amendments to the Lords Amendments, and the Commons reasons for disagreeing to certain of the Lords Amendments is not the Bill with which they have lately been dealing on Report, but is the original Bill, No. 148. That is the usual practice, and I think your Lordships have that Bill before you. I first have to move that your Lordships do not insist on your Amendment to which the Commons have disagreed, namely, in Clause 1, page 1, lines 5 to 13, to leave out Subsection (1) and insert a new subsection. The noble and learned Lord (Lord Atkinson) has also an Amendment; but probably it will be the most convenient course if I state the reasons on which I ask your Lordships not to insist on your Amendment. And, in doing so, perhaps I may refer to the new Amendment which Lord Atkinson has on the Paper.

Lord ATKINSON said that although the Amendment was in his name on the Paper, it was a mistake, and he was not moving it.

Viscount MIDLETON said that he proposed to move an Amendment to the Commons Amendment.

*The Earl of CREWE: Is that the Amendment in Lord Atkinson's name?

Viscount MIDLETON: Yes, Clause 1, page 1, line 5.

***THE EARL OF CREWE**: We adhere to our original clause in the Bill with an Amendment, which I will explain to your Lordships. As the clause now stands in the original Bill, it reads thus—

> "If it appears to the Estates Commissioners it is expedent to acquire any land for the purposes of this Act, and if they have offered to the person appearing to them to be the owner of the land a price which appears to them to represent the fair market value thereof."

We propose to alter it in this way—

> "If it appears to the Estates Commissioners that it is expedient to acquire any land for the purposes of this Act, and if they have offered to the person appearing to them to be the owner a price which appears to represent the value of the land."

Your Lordships will observe that we leave out the words "fair market" value. I would now ask your Lordships to turn to Clause 6. The two last lines of Clause 6 ran—

> "Land shall be selected with due regard to the general situation and convenience of the owner's property, so as to diminish the value thereof as little as possible."

In lieu of that, we propose to substitute these words—

> "Land shall be selected with due regard to the general situation and convenience of any other property of the owner so as not to diminish the value thereof."

I am obliged to trouble your Lordships with those two Amendments together, because I think it will be clear to the House that the whole question of how the value is to be estimated depends on how Clauses 1 and 6 are dealt with. Our reason for making this suggestion is this. Section 49 of the Lands Clauses Consolidation Act, 1845, provides that what is given is a sum representing the value of the land to be purchased and also compensation for injury done, or to be done, to the lands held therewith. That, I think, your Lordships will agree to. There was a case of the Commissioners of Inland Revenue *v.* The Glasgow and South Western Railway Company, which your Lordships will find in the 12th Vol. of Appeal Cases, page 320. In that case, Lord Halsbury laid it down that—

> "The two things, and the only two things which are within the contemplation and ambit of the Lands Clauses Act, 1845, are, the value of the land, in the first place, and such damage as may arise to other lands held therewith by reason of the particular land which is taken being taken from them."

In an Irish case, Close's Estate (I. Irish Reports, page 381), Chief Baron Palles referred to the above statement of the law made by Lord Halsbury. He made express reference to the words I have quoted, and said—

> "Here, as there, the expropriated owner is to receive the value of that of which he has been deprived. Were the thing in question such that something practically identical with it could be obtained at a money price—in other words, were it something for which there was an open market—the value would be the price at which that identical thing could be obtained in the market. When there is no market for the particular thing, the price must be that of a thing similar in all material respects."

My Lords, that is the principle on which we think these lands should be sold. The objection to the words "fair market" value, which, as I understand, has been taken, and I admit taken with some reason, is, that it is very difficult to say what the "fair market value" of untenanted land in Ireland is. As we know, in this country the "fair market value" of land can practically be ascertained, because you can form an idea of what it would fetch if put up for sale. That, no doubt, does not apply in this case; and therefore what we propose is that the words should be "the value of the land" in Clause 1, which means the value of the land as estimated under the general transactions which take place in land in Ireland; that is to say, that the value would be estimated as though an ordinary purchase transaction were going to take place. Then, in addition to that by our proposed Amendment to Clause 6, we take the second half of what Lord Halsbury pronounced to be the only other consideration arising under the Lands Clauses Act—

> "Such damage as may arise to other lands held therewith by reason of the particular land which is taken being taken from them."

Our Amendment to Clause 6, as noble Lords will see, says that when you take land under Clause 6, the land shall be selected with due regard to the general situation and convenience of any other property of the owner so as not to diminish the value thereof. First we said "to diminish as little as possible," which is of course a very much milder way of putting the thing; but it appears to us that when we say that the value of the other land is not to be diminished, it adds an immensely increased safeguard to those whose land is likely to be taken, always bearing in mind that the actual effect of a provision of this kind would be, not that the land would be taken at a high price, but it would simply mean that the Estates Commissioners would have to look for some other land elsewhere. We think that those two changes give practically all the protection which any owner of land in Ireland is entitled to, and practically all that he would obtain under the Lands Clauses Acts. But, what we are unwilling to do is actually to incorporate the Lands Clauses Acts, because of a certain degree of odium and additional expense which attaches to those particular Statutes. I hope therefore the noble Lords opposite may see their way to accept this, which we think practically goes the whole way in giving them what they want, instead of adopting the suggestion of the noble and learned Lord (Lord Atkinson).

Moved, "That the House do not insist on its Amendment to page 1, lines 5 to 13."—(*The Earl of Crewe.*)

LORD ATKINSON wished to say one word with regard to the Lands Clauses Acts, into which the noble Earl had made an excursus. It was quite true that it was "the value of the land" which was to be taken into account, but it was "the value of the land" to the owner and not to the person acquiring it. If the noble Earl had looked at the case of Reckitts *v.* Metropolitan Railway Company, he would have seen that it was there laid down that whether the land was profitable or unprofitable to the person taking it was a matter of no concern, and two illustrations were there given of that. One was where an ordinary public-house might be taken, and although the public-house might be worthless to the purchaser, still he had to pay compensation for trade profits and everything of that kind. Therefore, their Lordships would see "the value of the land" must be its value to the man owning it. The other illustration showed that doctrine even more clearly, namely, a case where a vicar owned a graveyard which was of no use to him, but which was of very great value to the railway company who took it. The vicar got no compensation because it was valueless to him. The other matter to which the noble Earl had referred was severance injury, injury to other lands belonging to the same owner by the taking of the land which was taken. That was, of course, an entirely different matter; but, if he was very anxious to give to the landlord who was deprived of his property all that the Lands Clauses Acts would give him, then he would suggest that, instead of attempting to make a definition, the simple way was to say that the compensation would be given upon the principle of the Lands Clauses Consolidation Acts.

*THE EARL OF CREWE: From what I have said, the noble and learned Lord will understand, and the House will understand, that I am afraid we cannot agree to the incorporation of the Lands Clauses Acts. If I might repeat it once more, so far as this first clause is concerned the Amendment is a very simple one; it is, simply to strike out first the words "of the land"—that is merely a drafting Amendment—and then to strike out the words "fair market," making it read "which appears to them to represent the value of the land."

LORD ATKINSON said that that did not get rid of the difficulty. He would take the case of an ordinary grazing, where the owner of the land was making perhaps £2 an acre by letting it for grazing. What was the value of the land under the Lands Clauses Acts? The value to the owner would be such loss as he sustained by being deprived of that user of the land which made it worth £2 an acre—that was the value to him — and, if he was deprived of it, according to the Lord President, he ought to be compensated for it. The words which the noble Earl had suggested, "the value," meant the value to the Estates Commissioners, who said that the profit the owner was making was not to be taken into account at all; and that the value, in their estimation, was the fair rent they chose to fix on a hypothetical tenant.

*THE EARL OF CREWE: In reply to that, if I may be pardoned for interrupting the noble Lord again, I should say that the fact that the land was producing £2 an acre would be so distinctly an element in the value as to need no affirming, but the degree of security attaching to that £2 per acre would have to be taken into consideration too. You cannot assume that it is necessarily £2 an acre for ever. All those considerations will have, I should think, to be borne in mind in considering what "the value of the land" is.

VISCOUNT MIDLETON hardly thought the intentions of the noble Earl would be carried out when the Estates Commissioners came to estimate the value of the land. After all, what was desired to be arrived at was not the market value in the case in which there was no market value, but the value in the sense of the loss sustained by the landlord in what had been taken away from him against his will—compulsorily. He did not know whether the noble Earl had considered the case of a man farming his own land; he might be making an ordinary profit on 100 acres of land which he would lose, and for which, he submitted to their Lordships, he ought to be recouped if the land was taken away compulsorily. The value of the land would be weighed by a number of circumstances, not merely by the profit he was making, but by the value as ascertained of what had been paid under corresponding tenancies, and other such data, which did not refer in the least to the loss which the landlord himself might sustain. Then again he thought they owed the Commissioners some guidance. There had been a great deal of discussion as regards what might happen in connection with the grazing lands in Roscommon; for instance, lands let for eleven months, and which were "untenanted lands" for the purpose of this section. They had been told by the Estates Commissioners what their idea was of how to estimate the value of such land. But he submitted that the landlord, who would be the loser, not of the estimated value of the land, but of the actual amount which he had been receiving for several years past, had a right to have that taken into consideration in estimating the value of the land. Therefore what he would suggest was that his noble friends should meet the Government by not insisting upon their Lordships Amendment so far as the first portion o the clause was concerned. That Amendmend made it incumbent upon the Estates Commissioners to prove that they had been unable to acquire, by agreement, suitable land for their purpose. And the Commons, in disagreeing with their Lordships, gave as their reason that the effect of the Amendment would be that of causing delay in the first place and increasing the expense in the second place, and so rendering the Act useless. If their Lordships met the other House by surrendering the first portion of the Amendment, and by adopting the words in the Government Bill, they would be making a very great concession to the desire of the Government that the matter should proceed without delay, and at the same time giving, on behalf of the landlords, the great concession that even if the Commissioners should seize upon certain lands which might be of more value to the landlord, and which he might be able to prove that they could have done without, still he would have no appeal from their decision. If their Lordships made that concession he submitted that they had a right to be fully protected in the matter of value, and that the question of whether it would cause additional expense was a question, not for their Lordships, but for the Commissioners. If they chose to take land which caused additional expense, there was no possible argument, so far as he could see, which could be addressed to their Lordships by which it could be shown that the Commissioners should not pay the full value of that land. They had the whole of Ireland before them, so far as the land was untenanted, and if they chose to take land which was bringing in a large revenue to the owner, they were bound, when taking that land, to recoup the owner. That being so, he suggested that the words instead of being "the fair market value," or "the value" as proposed by the noble Earl the Lord President, should be "compensation for the loss which would be sustained by the owner by being deprived thereof." Those words would represent simply the compensation which in any other Act that he was aware of was given to an owner whose land was compulsorily taken from him. They would not contain any provision, because, if his noble and learned friend

(Lord Atkinson) insisted upon his Amendment with regard to appeal, which he understood he proposed to do, he had specially limited in a clause of that Amendment the compensation to be given so that it should not include anything for the compulsory taking. Therefore, what would be given would be simply compensation to the owner for the loss which he had sustained; and, where it was declared to be an estate the bonus which followed on a voluntary sale would of course follow on a compulsory sale, for he was sure that nobody in that House would contend that what a man had a right to receive under the law if he sold voluntarily should be withheld from him if he sold under compulsion. And he could not help believing, when they knew that the Commissioners had already in their possession sufficient land to provide for the whole of these evicted tenants, that if they worked with discrimination they would be able to obtain without undue expense the necessary untenanted land to complete this operation. Therefore he thought that the clause as he proposed to leave it would meet the reasons of the Commons in both particulars. Their Lordships would abandon that portion of his noble and learned friend's (Lord Atkinson) clause which might cause delay, and would leave in the hands of the Commissioners such provision as would enable them to work without incurring any expense, except the legitimate expense of recouping the landlords.

*THE EARL OF CREWE: I do not wish to speak again; I merely wish to say that it is clear, from what I have already said, that we cannot in any way agree to this proposition. Of course, it is open to your Lordships to amend the clause in the manner suggested, but it must be understood, although I shall not take the trouble of dividing the House, that His Majesty's Government is not in any way agreeing to it.

*THE MARQUESS OF LANSDOWNE: It seems to me to be a great pity that we cannot agree upon this point, which is not really one of very first-rate importance. I do not understand that the noble Earl really challenges the view which is held upon this Bench. I am very grateful to His Majesty's Government for having struck out of the clause the words "fair market" value; because our point throughout has been that the "market value" in Ireland, owing to circumstances to which I need not refer, has ceased to be a real "market" value. Therefore, we object entirely to "market" value; and "fair market" value having gone, only "value" remains. What do His Majesty's Ministers mean by "value"? Surely, the value to the owner. What is the value to the owner? The value to the owner is that which entitles him to compensation. "Compensation" is an English word which expresses the idea which is really, I believe, common to our view, and to the view of the noble Lords opposite. Is the noble Earl quite clear that he cannot accept the very reasonable Amendment of the Government Amendment?

*THE EARL OF CREWE: I am afraid I cannot agree to the insertion of the word "compensation." The noble Viscount (Viscount Midleton) did not allude to the very wide concession which we are prepared to make with regard to Clause 6, which ought to be read in with this, in order to understand what it is that we propose to do. If you do not take "the value of the land," it means that you want something more than the "value," that is to say, something more than the sum which the land would fetch in open market, if there were an open market.

LORD ASHBOURNE said it was obvious from what the noble Earl had said that he desired to approach the question with fairness, but surely he did not want to give the landlord too little. He was perhaps afraid of giving too much; but on the Opposition side of the House there was a fear that His Majesty's Government were not giving enough. As far as he could see, the question pivoted on the difference between the word "value" and the word "compensation." His noble and learned friend (Lord Atkinson) had pointed out that "value" in a sense might be equivocal. It could not possibly be intended to mean the value regardless of the value to the owner, yet it might be read, unless qualifying words were used, to be the value to the person who desired to acquire the land. The words might be used perfectly honestly, but they might be read in a way which would bring out an entirely unsatisfactory result.

*THE EARL OF CREWE: They are Lord Halsbury's words.

LORD ASHBOURNE said it was one thing to use words in a judgment where they were to be read with the context, and another thing to put words into an Act of Parliament in which there was nothing but the words themselves out of which to make an interpretation. He would put it again—although perhaps the noble Earl might not be able off-hand to give an answer—that if the word "compensation" was a word which better conveyed the idea of recognising the claims of the owner to have his interest considered, surely His Majesty's Government ought to be prepared to consider whether it was not a better word to be used than the word "value," leaving out altogether the element of the interest of the owner.

LORD DUNBOYNE suggested that the difficulty might be got over by using the words, "which represents the fair value to the owner of the land."

*THE EARL OF CREWE: I really do not know what that means. Does that mean the Lands Clauses Consolidation Act? Because, if it does, as I have already explained, we are not prepared to accept it. We do not like the word "compensation" because it suggests the Lands Clauses Acts—I am perfectly frank in this matter—but we do like the word "value" founded on that observation of Lord Halsbury, because it is one of the two incidents in a purchase under the Lands Clauses Acts; and we give the other, to a very great extent, by our proposed Amendment to Clause 6.

*THE MARQUESS OF LANSDOWNE: When the noble Earl talks of "value," does he mean the value to the owner?

*THE EARL OF CREWE: I am afraid I must ask another question: Does that mean what the owner thinks is the value?

*THE MARQUESS OF LANSDOWNE: Oh no; the Court has to decide the value. An offer is made to the owner representing what the offerer believes to be the value to the owner; then the proceedings go on and the matter comes before the Court. My question is: Does the noble Earl, or does he not, mean, when he speaks of "value," the value to the owner?

*THE EARL OF CREWE: I prefer to put it in the way I put it before. It is what the value of the land would be in the open market if there were an open market.

*THE MARQUESS OF LANSDOWNE: But we have dropped "market" altogether.

VISCOUNT MIDLETON said that was exactly the point which they were afraid the noble Earl was driving at. In the English Bill, His Majesty's Government had no hesitation, in the case of land they took away from a tenant, in talking of "compensation" to the tenant for the loss of his land; that was to say, the value of the land taken from the tenant. Why was the Irish landlord not to have the same word "compensation," which was so much disliked, for the loss of his land, that was to say, the value to him of the land, the same as in the other case, it was the value to the tenant of the land?

*THE EARL OF CREWE: I do not know the English Bill very well, but I do not think the word "compensation" is used in that Bill with reference to the landlord. In any case, in considering this Bill it must be considered that the landlord is going to receive, over and above the ordinary terms of purchase, a bonus, which is a distinct extra. I am afraid we cannot carry the question further on this occasion, because I cannot agree to the insertion of the word "compensation"; and we are only wasting time in attempting to argue the matter any further.

LORD MUSKERRY said that in that case it would be better to let the original Amendment stand. If His Majesty's Government would not accept that which their Lordships had put in, then he suggested that Lord Atkinson's original Amendment as passed by their Lordships should be adhered to.

VISCOUNT ST. ALDWYN said that he happened to know the English Bill pretty well; and he observed that in the first paragraph of the first schedule which governed the compulsory acquisition of land under that Bill it was provided that the Order was to be in the prescribed form, and was to contain provisions necessary for carrying it into effect and protecting the council and the persons interested in the land, and was to incorporate the Lands Clauses Acts, and so on, subject to the modification that any question of disputed compensation should be settled by the valuers. So that in the English Bill was the very word "compensation" to which the noble Earl objected.

THE LORD CHANCELLOR: There is no Motion before the House at present.

*THE EARL OF CREWE: I beg the noble and learned Lord's pardon—I have moved that we do not insist on the Amendment to the Bill.

VISCOUNT MIDLETON wished to move to amend the Lord President's words by inserting, instead of "fair market value" the words "compensation for the loss which would be sustained by the owner by being deprived thereof."

THE LORD CHANCELLOR: I will first put the noble Earl's Motion to the House.

On Question—

"That this House do not insist on the Amendment in Clause 1, page 1, lines 5 to 13, to leave out Subsection (1) and insert a new subsection to which the Commons have disagreed."

Motion agreed to.

VISCOUNT MIDLETON said that he would now move his Amendment.

Amendment moved—

"In page 1, line 9, to omit the words 'fair market value thereof,' and to insert the words 'compensation for the loss which would be sustained by the owner by being deprived thereof.' "—(*Viscount Midleton.*)

On Question, Amendment agreed to.

VISCOUNT MIDLETON wished to further amend this Amendment by adding, after the words "they may" in the next line of the original Government drafting, the words "subject to the provisions as to appeal contained in this Act." Obviously, His Majesty's Government had themselves admitted an appeal on the question of value. They, on their side, were not seeking to set up an appeal as regards the land to be taken, but simply an appeal as regards the value. Without that indication, no appeal would, as he was advised, appear to lie. He begged to move.

Amendment moved—

"In page 1, line 10, after the word 'may,' to insert the words 'subject to the provisions as to appeal contained in this Act.' "—(*Viscount Midleton.*)

On Question, Amendment agreed to.

*THE EARL OF CREWE: The next Amendment is in Clause 1, page 2, line 4, alter "Acts" to insert "not exceeding 2,000 in all." I move that the House do not insist on that Amendment. I stated very fully, I think, on a former occasion the objection we have to fixing a limit of 2,000; but there is one consideration which I think I did not sufficiently impress on the House on the last occasion, and which I think I ought to bring before its notice now—namely, that the words "not exceeding 2,000 in all" apply, apparently, to tenants reinstated under this Act; that is to say, reinstated by compulsory power. The 2,000 would not include any tenants reinstated by agreement. It is perfectly obvious that you cannot lay down in an Act of Parliament a limit to the number reinstated by agreement; that would be obviously improper; and therefore what your Lordships have done is to fix a limit of not less than 2,000 who may be reinstated by compulsory powers. I should imagine that nothing like that number are likely to be in a situation which would demand the compulsory taking of land. I have objected all through to a number limit, on the ground that it might be assumed by some people that it would be a standard to work up to, and I still maintain that objection. I now leave the matter to your Lordships to decide.

Moved—

"That this House do not insist on their Amendment to page 2, line 4, after the word 'Acts' to insert the words 'not exceeding 2,000 in all.'"—(*The Earl of Crewe.*)

THE MARQUESS OF LONDONDERRY said that if the noble Earl objected to the number 2,000, he objected entirely to the figures given by the Estates Commissioners and put forward by the Chief Secretary in another place. He (Lord Londonderry) had fixed the limit at 2,000 because those were the figures given by the Estates Commissioners and put forward by the Chief Secretary in the House of Commons. He certainly had, at the time of moving his Amendment, drawn their Lordships' attention to the extraordinary increase in the number of the people who desired to be considered evicted tenants, when compared with the numbers mentioned by Mr. Dillon in 1893, when Mr. Wyndham had brought forward the Land Purchase Bill, and when the question of the evicted tenants was very thoroughly discussed. He was speaking subject to correction, but he believed that at that time Mr. Dillon stated that there were only something like 600. Under those circumstances he thought it was necessary, and he thought the Chief Secretary was perfectly justified in stating, that there should be a limit; and, in fixing the number at 2,000, he thought he had been extremely generous, when that number was compared with the number given by Mr. Dillon. But what he had wished to impress upon their Lordships at the time he originally moved the Amendment, and what he wished to impress upon the House now, was that there should be a limit of some sort. If His Majesty's Government wished to extend it by a hundred or two, he would have no objection; but to leave the number absolutely unlimited, when they had thousands of so-called evicted tenants applying to be re-instated, was, he thought, most unsatisfactory to everyone concerned. It must be hopelessly unsatisfactory to the Estates Commissioners, because they would have to go over again all the different applications which they had gone over before and refused; it was a hopelessly unsatisfactory position to those people who, if there was to be no limit, would hope that their claims would be reconsidered and that they might be reinstated; but worst of all would be the position of those who were called the "sitting" or new tenants, who had for the last twenty years enjoyed the benefits of their tenancies.

*THE EARL OF CREWE: I am very unwilling to interrupt the noble Marquess, but the point I ventured to make was, that if you leave this Amendment in the Bill, it allows 2,000 tenants to be placed on land compulsorily acquired in addition to the whole number who may be restored by agreement. I cannot think that is what your Lordships mean.

THE MARQUESS OF LONDONDERRY urged that some figure ought to be fixed. He would be happy to agree to any reasonable figure suggested by the Government, but he did not think they would be justified in leaving it open to the whole of the possibly 4,000 or 5,000 evicted tenants who might desire to be included. He was perfectly willing to make the number an elastic one; but, in the interests of all concerned, some limit ought to be placed on the number, and he invited the noble Earl to state a number.

THE EARL OF MAYO said he quite understood the point of the Lord President, but it must be remembered that the other offer was made with 80,000 acres of land. They knew very well that if a limit of that sort was put into the Bill it would mean the most awful ructions, if he might be pardoned the vulgarism, in Ireland; and he thought it much safer that there should be a limit to the number. The noble Earl had said that there was a danger in 2,000 evicted tenants being compulsorily put back on the land. They were quite willing to reduce the number to a lower number than 2,000. They were rather on the horns of a dilemma, because the Government would not give them a number, and yet they hinted that there were 2,000 of these evicted tenants who would have to be compulsorily reinstated; and the other horn of the dilemma was, that there were 80,000 acres to be taken. They who lived in Ireland could not accept that, because they knew what it meant, and if the noble Earl would reduce the number some arrangement might be come to. He really did not know what the Government was driving at.

THE EARL OF DONOUGHMORE felt bound to point out that the objection now brought forward by the noble Earl to this Amendment was entirely different from those which had been urged for the last three or four months. The objection of the Chief Secretary in another place, as he understood, was that there might be another dozen or two over the 2,000 who would be deprived of the advantages of this Act. It was now suggested that the number to be put back by compulsory machinery would be very much less than 2,000, and that the Government did not want to be forced to throw open the gates to 2,000. If they were going to restore a great many more by voluntary arrangement what was the case for the Bill? The case for the Bill, as he had understood, was that the Commissioners said that they could not get any more land upon which to put back these evicted tenants, and he did not think he had misunderstood the case as it had been put. The argument the noble Earl had just put forward seemed a very curious commentary upon the case previously put before them in the Report of the Commissioners presented to Parliament and in the debates that had taken place.

*LORD ASHBOURNE was not sure that the noble Earl had not knocked the bottom out of the reasoning for the Bill. They had great difficulty on that side of the House in understanding this absolutely new departure with regard to the statement of figures. They had had three stages of the Bill—the Second Reading, the Committee and the Report Stage—and it was reserved for a discussion on Amendments coming back from the Commons to take up a perfectly new starting point as to the number of tenants who were to be restored. They had been told that the Bill was urgent and vital, because of the great number of tenants to be restored, and after a certain winnowing down process the number was said to be about 2,000 more or less. Now it was sought to graft upon that a qualification which at present he did not follow, but he would state his appreciation of it whether right or wrong. He understood the noble Earl to say that 2,000 was a figure that was misleading, and apparently it had misled the Government. What he understood the noble Earl to say now was that 2,000 might be an entirely extravagant figure, because the Bill was intended to be confined to tenants for whom land was acquired compulsorily under this Act, and that there would not be anything like 2,000 for whom land was needed compulsorily, because they expected to get so much land voluntarily that they might be utterly overstating the case by saying that 2,000 needed compulsory treatment, when possibly the needs of a large number might be supplied by means of voluntary action. That was the meaning he gathered from the noble Earl's words, but if that was the true meaning, it knocked the bottom out of much of the argument for his Bill. Instead of 2,000 people needing this drastic and urgent treatment, without which the Government could not be responsible for Ireland, it turned out that the 2,000 was an entire over-statement. He ventured to think that the noble Earl was forgetful of what took place in Committee, which was absolutely inconsistent with his now starting this new point. Now Subsection 2(*b*) dealt with new tenants, and exactly the same observation would apply to them just in the same way. He (Lord Ashbourne) had put down an Amendment in terms saying in reference to 2 (*b*) that that was a clause which applied to new tenants, whether they were voluntarily or compulsorily dispossessed, and he was told, after consultation with the Irish Office and after looking into the matter, that his Amendment was not required, because the clause was framed so as to include voluntary as well as compulsory cases of treatment. They had discovered either what his noble and learned friend Lord Robertson called the other evening a "mare's nest," or something which knocked a tremendous lot out of the force behind the Bill in the way of reasoning. He did not see how it should in the slightest degree affect his noble friend's moving his Amendment, because he was of opinion that whether voluntary or compulsory, 2,000 in all was the maximum. It could not be confined to those who were compulsorily deprived of land, but it applied to all. The whole drafting of the Amendment showed that all the 8,000 tenants, or whatever number it was, who for whatever reason were dispossessed before the Bill, and sent in applications before 1st May, were the people to be dealt with, and it made no difference whether they were dealt with by voluntary or compulsory acquisition of land. That figure was a figure which was exhaustive and inclusive of everything. Therefore, as far as he could understand the statement of the noble Earl, his noble friend was quite right in moving his Amendment.

THE EARL OF ARRAN said that in the House of Commons it had been stated that 2,000 was not a high enough figure.

*THE EARL OF CREWE: I have not the faintest objection to the insertion of the Amendment, but as I said originally I felt bound to state my view. The point had not occurred to me at an earlier stage of the Bill, and I understood the noble and learned Lord (Lord Ashbourne) does not think it a good point.

*LORD ASHBOURNE said he thought that if it was a good point it knocked the bottom out of much of the reasoning for the Bill.

*THE EARL OF CREWE: I think I can show that it does not. The point I ventured to put was that this Bill deals with compulsory powers and compulsory powers only. Therefore, if you put a figure of this kind into the Bill, it means that that number of persons can be replaced by compulsory powers. Then the noble Earl the Earl of Donoughmore and the noble and learned Lord said, "If you do not want to restore all these people compulsorily, what is the use of the power in the Bill?" It never was contemplated that compulsion would be necessary for every person under this Bill. The Lands Clauses Acts and a great number of private Acts empower land to be taken compulsorily, but it does not follow that all the land scheduled in a Railway Bill is necessarily to be taken by compulsion. Very often nine-tenths of it is taken by agreement. The fact of compulsory power being put into an Act enables agreements to be made, and that is what will happen in this case. I have no doubt that a very large proportion of the land which changes hands under this Act will be exchanged by agreement, but agreements will be made because the compulsory powers are in the Act. But I have no wish to discuss the matter further, and if noble Lords like to insert the Amendment I have no objection.

THE MARQUESS OF LONDONDERRY said he spoke, of course, with the indulgence of their Lordships, but while he gathered from the noble Earl that 2,000 was the maximum required, still if the Government desired another 100 or 200, he had no objection.

Motion, "That the House do not insist on their Amendment," negatived.

*THE EARL OF CREWE: The next Amendment to be considered is on Clause 1, page 2, line 15. This is what we have been in the habit of calling Lord Robertson's Amendment—

> "Provided always that no lands shall be acquired compulsorily which have been purchased or agreed to be purchased under the Land Purchase Acts prior to the first day of May one thousand nine hundred and seven, nor any tenanted land which is in the possession or occupation of a *bona fide* tenant using or cultivating the same as an ordinary farmer in a husbandlike manner."

As I pointed out before there are two distinct issues involved in this Amendment. In the first place there is the issue with regard to the time up to which the fact that the tenant had made a purchase agreement should be a protection to him which would prevent his being removed in the character of a new tenant. We originally fixed "January" and the noble Lord moved that "May" should be inserted. As your Lordships will see on the Paper we agree in so far as the date of May in place of January is concerned. The Commons disagree to this Amendment, but propose to amend the Bill by leaving out "Estates Commissioners" and inserting the words "any two of the Estates Commissioners and the Judicial Commissioner" (that is more relevant to the whole question of appeal), and in page 2, line 19, to leave out the word "January," inserting the word "May" instead thereof; and in page 2, line 21, to insert a new subsection: "(5) No land shall be acquired compulsorily which is subject to an annuity for the repayment of an advance under the Land Purchase Acts." This was put in according to our promise to make it quite clear that no purchase tenant should be liable to be removed under this Act. Then the further question is as regards "the possession or occupation of a *bona fide* tenant using or cultivating the same as an ordinary farmer in a husbandlike manner." We have not succeeded, I am afraid, in getting over our dislike to that phrase. Your Lordships will remember that we were prepared to leave the general question as to whether it was just from the point of view of a Judge that a particular tenant should be removed. We offered the words "consider that such reinstatement can be effected without injustice to the new tenant," not as a mere matter of a rough opinion which a man might form as to whether the removal of a particular tenant was generally fair or unfair, but on the responsibility of a Judge sitting as a Judge, and I am afraid, therefore, I must move that the Commons Amendment, as amended, be agreed to.

Moved—

"That the Commons Amendment to Clause 1, page 2, line 15, be agreed to."—(*The Earl of Crewe.*)

*LORD ROBERTSON could not help thinking that the House, and he believed the country, would learn the decision of the Government and the House of Commons with profound regret. His object in rising was not to re-argue a question which had been very fully considered by the House in a former occasion, but rather to state to, and to remind the House of what was the precise position taken by the Government. He could summarise that in a word. It was a total and absolute denial of the rights of the planters. It was a very singular thing that, taking advantage of the forms of procedure on those occasions, there was no reason assigned for the refusal of the clause. What was done was that the Commons disagreed to their Amendment but proposed to do certain things. He wished to point out how absolutely futile were the things which were proposed to be done by the Commons as an answer to the claims of the planters. The House would remember that it was careful, on a former occasion, to define and limit the class of men whom it was proposed to protect. The word "planter" had been loosely and generally applied to a number of persons who held a position, not of independent tenants, but of caretakers and, so to speak, agents for the landlords, and their Lordships were scrupulous in limiting the class of men who were to be protected by this Amendment to those who were simply tenant farmers on their own feet. Accordingly there was no excuse for evading the question which was thus formulated by their Lordships' House, the question being put whether the Legislature was to disregard the contract rights of those poor men and to treat them as if they might be affected as much as anyone who had no claim of right at all. The House of Commons had seized hold—he must say a little ingeniously—of one part in the Amendment which was carried in their Lordships' House. Their Lordships had said that not merely were those men in the ordinary case tenants holding as tenant farmers, but some of them had actually got so far that they were inchoate proprietors. That was to say they were not formally seized in the property, but they had got all the substantial steps taken towards becoming proprietors, and that had been put in the Amendment in order to dare all concerned to touch them. Now the concessions made by the Government were these—that the word "May" was inserted instead of the word "January," and that "no land shall be acquired compulsorily which is subject to an annuity for the repayment of an advance under the Land Purchase Acts." All that was "leather and prunella" in the present question. These were matters of form, and were a complete ignoring of the claim substantially put forward, namely, the claim of the tenant farmers. This was merely on the fringe of the subject, and did not at all mitigate or take the edge off the denial of right to those tenant farmers. Now he would take another point, and really again it was *pour rire.* They were told, "Oh, but you are to be consoled with this—that each case of the compulsory acquisition of land where a farmer is to be affected will be consider by two ordinary Commissioners and a Judge." That was all very well if the Commissioners and the Judge had got any basis or footing to go upon, but in this case these people were denied all right, and accordingly the question to be decided by those two Commissioners and the Judicial Commissioner was merely whether they liked the man. That was the whole story, and therefore he returned to the position with which he began—that what had been done was to deny, out and out and from beginning to end, the rights of the planters. He was not going to make a speech on the present occasion; he had confined himself entirely to the explanations of what was the question between the Commons and their Lordships' House. But he hoped their Lordships would stand to this Amendment. It was a question of principle, of conscience, and of honour, and he could not imagine that when the country was apprised of the true issue between the two Houses there would be any doubt about their election.

* THE MARQUESS OF **LANSDOWNE**: I agree with the noble and learned Lord (Lord Robertson) that in respect of this Amendment your Lordships' House is under an obligation from which it is quite impossible for us to recede. If I wanted to justify my case I should do so out the mouth of the noble Earl opposite. On 10th July he used these words—

> "The view which His Majesty's Government also hold is that where it is shown that a man is a *bona fide* farmer working his farm to advantage, and desiring to retain it, he ought certainly not to be dispossessed."

Those are the words which we have virtually embodied in the Amendment which we are now discussing. Now let me ask this question. What is the objection of His Majesty's Government to this Amendment? What is the difficulty which looms so large in their way? They urge that a great many of these planters are men of straw, that they are "caretakers," and that the number of *bona fide* farmers who would come within our definition is a very small one. Very well. That shows, I think, that the difficulty which they will have to deal with is a very small difficulty, although the total number of cases is a large one. The "caretakers," the nondescripts, the birds of passage, will not be protected under the terms of our Amendment. Then there are other of these planter-tenants who no doubt will be perfectly willing to move elsewhere, under the liberal inducements which are to be offered to them; those men are willing to go and need not be considered. What then remains? Only that *residuum*—that handful of courageous men—who are farming their land properly, who have their farms stocked, who are paying their rent, and who wish to remain where they are. Those are the men you want to be able to turn out in order to make room for the agitators who have been concerned in the discreditable events of the last few years. The noble Earl himself does not want to get rid of these men. He himself has stigmatised the idea of removing them as monstrous. Those were his words. It is the agitators who wish to dispossess these men, and the noble Earl, who knows Ireland as well as I do, knows perfectly well the reason for which it is sought to turn out this handful of loyal and courageous farmers. Of course, for every one of those men turned out there will be a local triumph achieved by those who have been promoting illegality and agitation for so many years past. You could not proclaim in a more aggressive manner the triumph of the forces of disorder than by permittting the men belonging to this very small and limited category to be compulsorily expropriated from their homes. Therefore I hope that the House will adhere to this Amendment which I regard as absolutely vital.

On Question, Motion negatived.

VISCOUNT **MIDLETON** moved to insist on the Amendment to page 3, line 23, to leave out Subsection 6, which was simply consequential on the words already passed with regard to "compensation."

Moved—

"That the House do insist upon their Amendment to page 3, line 23."—(*Viscount Midleton.*)

On Question, Motion agreed to.

Consequential Motion agreed to.

LORD MONTEAGLE OF BRANDON moved to amend the Commons Amendment which provided that the purchase money should be paid within the prescribed time into the Bank of Ireland by the Land Commission by substituting "amount of compensation" for "purchase money" and "six months" for "the prescribed time." He said the noble Earl had met them very fairly in the question of time when the Bill was in Committee. The first words he moved were merely consequential on the adoption of the word "compensation" in an earlier clause, and therefore he need not dwell upon that. But the second point was to amend the Commons Amendment by substituting the words "six months" for the words "prescribed time." He thought it would be in the noble Earl's recollection that he made an offer of six months when the Bill was in Committee and he was sure he would not wish to go back from a Parliamentary bargain.

Moved—

"To amend the Amendment made by the Commons in page 3, line 23, by leaving out the words 'purchase money' and inserting the words 'amount of compensation,' and by leaving out the words 'the prescribed time' and inserting the words 'six months.'"—(*Lord Monteagle of Brandon*).

*THE EARL OF CREWE: As far as regards the consequential Amendment —to leave out "purchase money" and insert "amount of compensation" —I have no doubt your Lordships will insist upon it, but of course it will be understood from the long conversation we have already had on Clause 1 that His Majesty's Government do not agree with it. As regards the second part of the Amendment—the insertion of the words "six months"—the noble Lord will see that his Amendment is to a certain degree incomplete, because he does not say from what period the six months are to run—there is no starting point. If the Commons Amendment were taken it would be, of course, in pursuance of what the noble Lord very properly called a Parliamentary bargain. A rule would have been made that the money should be paid within six months, and it would also set out the different times from which the six months would run in the different clauses as they arose—for instance, where a petition had been presented, and in another case where a petition had been presented and possibly not proceeded with.

LORD MONTEAGLE OF BRANDON reminded the noble Earl that this was a case where no petition had been presented.

*THE EARL OF CREWE: But I think the noble Lord included every case.

LORD MONTEAGLE OF BRANDON: Yes, on the subsequent Amendment.

*THE EARL OF CREWE: But if the noble Lord presses for his term of six months in the Bill we would give it him with this condition: "Six months after the expiration of the time limited for the presentation of petitions." Will the noble Earl take those words?

LORD MONTEAGLE OF BRANDON did not profess to be an expert in drafting but he thought that that would meet the case.

*THE EARL OF CREWE: I think the noble Lord will find that those words are all right—therefore perhaps the noble Lord will move his proposal with that addition.

THE LORD CHANCELLOR: The first thing will be to deal with the Amendment of this House with which the Commons disagree. I take it the House does not insist upon that Amendment.

On Question, "That the House do not insist on their Amendment on page 3, lines 22 to 27, to leave out Subsection (6)," agreed to.

On Question, Lord Monteagle of Brandon's Amendment, with the addition of the words proposed by the Earl of Crewe

—"six months after the expiration of the time limited for the presentation of petitions," agreed to.

*THE EARL OF CREWE: The next set of Amendments are the Amendments to page 3, lines 29 and 30—the long series of Amendments moved by Lord Atkinson at the earlier stage of the Bill. The Commons disagree to this Amendment, and the noble and learned Lord, in the Paper which has been circulated since the Amendments were returned, also moves not to insist on that Amendment but substitutes another. We admit, of course, that in some respects the Amendment is free from certain objections which we took to it in its first form. We are not able to accept the noble and learned Lord's Amendment, but we are prepared to do this. If noble Lords will look at the Amendment proposed by the Commons in page 3, line 34 (it is on page 6 of the printed Amendments), they will see that the proposal of the Commons was to leave out from the word "shall" to the end of Clause 2, and to insert the words—

> "Subject to the provisions of this subsection, be final: Provided that any person aggrieved by any determination of the Estates Commissioners fixing the price of the land proposed to be acquired, or any determination of a question arising under the provisions of this Act imposing restrictions on the acquisition of land, may, within the prescribed time, appeal to the Judicial Commissioner, who shall hear in the prescribed manner and determine the appeal.'

That is the form of appeal which we consider to be a reasonable one in these cases. The substantial difference is that instead of cases being heard by the Judicial Commissioner alone he should be supported by two outsiders acting as assessors—people who would sit with him, and who naturally, one might suppose, would be of the highest class of those who are qualified to judge in these matters and to assist him in arriving at his decision. The reason that we make this proposal is that we understand that what noble Lords particularly object to in this appeal is its being left, so to speak, entirely within the ambit of the Estates Commissioners, and we believe that we have met this objection by the proposal we have made. We have placed the number at two assessors in preference to one. Whether it would be necessary for the two always to sit I do not know, but at all events it would give an opportunity of one always sitting, and they might be men who would be busily engaged in other ways. But the intention is that they should be people who would be regarded as clear of whatever objections are supposed to attach, in the minds of noble Lords opposite, to the Estates Commissioners as the only body to deal with these matters, and we have really endeavoured to meet the wishes of the noble Lords opposite in that respect. We maintain that on these questions of value a Judge of Assize, or a Judge of the High Court, is not a valuable tribunal of appeal. He obviously is not a person with particular knowledge of the facts or circumstances, and he has to depend upon the information supplied to him by some valuer whom he calls in in all probability to give an expert opinion, which opinion he is almost practically bound to take, because the chances are that he does not himself possess any very great share of the expert knowledge necessary to arrive at such a conclusion. We think that the Judicial Commissioner—who I think by common consent, as a person, whatever noble Lords opposite may think of his office, is regarded with great respect by all parties in Ireland—with his peculiar knowledge, assisted by two independent men of this kind, would form the best possible tribunal that could be found for a decision on a question of value.

THE MARQUESS OF LONDONDERRY asked who would appoint the assessors.

*THE EARL OF CREWE: I think Mr. Justice Wylie is to appoint them. They are to be nominated by Mr. Justice Wylie.

LORD ATKINSON, in moving a new Amendment providing for an appeal to the High Court, said he had some difficulty in understanding the position, because the Amendment proposed by the House of Commons was not the Amendment which the noble Lord now proposed. The Amendment proposed by the House of Commons was that—

> "Any person aggrieved by any determination of the Estates Commissioners fixing the

price of the land proposed to be acquired or any determination of a question arising under the provisions of this Act imposing restrictions on the acquisition of land may within the prescribed time appeal to the Judicial Commissioner who shall hear in the prescribed manner and determine the appeal."

It then gave him, in exercise of that jurisdiction, all the powers conferred by Section 48 of the Land (Ireland) Act, 1881, one of which was that he might appoint an independent valuer in any case, if he so desired, to visit the land and report to him. He understood now that instead of that it was provided that the Judicial Commissioner was to sit with two assessors. What those assessors were—who they were—did not appear, and most strangely of all it did not appear what their tenure was to be. If they were to be persons—to use a vulgar phrase—employed "by the job," what became of all the arguments that the Estates Commissioners in these judicial matters were to have a permanent tenure, when the assessors were only to be employed from time to time to decide upon appeal the very matters which were so judicial in their character that the Estates Commissioners could not possibly decide them without this tenure? It was a refutation of every word that had been said in reference to the elevation of the Estates Commissioners into the position of ordinary Judges. There was some difficulty, therefore, in dealing with the Amendment as now proposed, but as far as he could he would endeavour to deal with it. He might recall to their Lordships the fact that upon the Second Reading he had ventured to say that according to the Bill as introduced the Estates Commissioners might acquire any land they pleased, where they pleased, at what time they pleased, and at what price they pleased. That was an impossible position to defend. It was a thing that did not exist in the whole of the British dominions. The nearest approach to it was the case in England, where, under the Local Government Act of 1894, for Government purposes the Government might acquire land. But even then the compensation was decided by the very tribunal which was supposed to be unfit to decide the compensation in Ireland—namely, the Civil Court. It was impossible to defend that position, and accordingly an appeal was proposed, and he thanked the noble Lord for having proposed it. He did not propose for a moment to re-argue the question which was then discussed, but, as there must be an appeal, the subject for their Lordships' present consideration was, which was the best appeal—the appeal which he had sketched, or the appeal sketched by His Majesty's Government. First of all, with regard to the latter, there was no certainty whatever that Mr. Justice Wylie would sit at all. He joined in everything that had been said with reference to Mr. Justice Wylie; he was a recently appointed Judge, and he was not aware that he knew much about land; but he knew him to be a man of learning, and he believed him to be a man of honesty, courage, independence and strength—and he thought he would require all those qualities in the place where he was. Therefore, he had no objection whatever to Mr. Justice Wylie personally. But first of all Mr. Justice Wylie had a great deal more to do than he could possibly do at present in dealing with agreements with regard to over £30,000,000 worth of land which had been entered into. It had been asserted in the time of his predecessor that, as he had the important duty of distributing the purchase money, and he only could distribute it, considering that every estate in Ireland—at all events 75 per cent. of them—were in settlement, and that it was necessary to consider the provisions of wills and marriage settlements in the matter of each estate, it was impossible that the Judicial Commissioner could distribute the purchase money to a greater extent than about £5,000,000 a year. So that whoever the Judicial Commissioner was, he would be obliged to devote his entire time to disposing of that £5,000,000 a year, and putting it through the sieve of marriage settlements and wills which overlay the land to be sold, or else he must be taken away, now from the one duty, and then from the other. First of all, there was no necessity that Mr. Justice Wylie should hear these matters at all. Under Section 28 of the Act of 1870, as well as under Section 23 of the Act of 1896, and again under Section 86 of the Act of 1903, the Lord Chancellor could appoint any Judge he pleased to do the duty of the Estates Commissioners; and, if that was so, there was nothing whatever in the Amendment suggested by the noble Earl to show that those duties might not be discharged by nominated Judges as well as by the Judicial Commissioner. And therefore, to take this Amendment as it was, unless it was read with those earlier Statutes, was to play a perfectly blind game. It might be such a person as the Lord Chancellor of the day might designate to discharge the duties of the Judicial Commissioner. But that was not the main objection. The main objection was of a different character altogether. The Land Commission was a corporation consisting of three members: there were three Estates Commissioners, and they were members of the Land Commission co-ordinate in every respect with their brother members, the Judicial Commissioner, Mr. FitzGerald, and Mr. Moragh O'Brien. There were six of them altogether, and they were all Land Commissioners, and all co-ordinate. It so happened that Section 23 of the Act of 1903 enacted that the three Estates Commissioners should work the preceding sections of the Act of 1903 coupled with this provision—that on matters of law they might appeal to the Judicial Commissioner on any difference between them. It might well be that as they were not lawyers, and could not pretend to any legal knowledge which the public had ever recognised, they might submit to his decision on matters of law. And, accordingly, Section 23 of the Act of 1903 provided that questions of law might be referred to the Judicial Commissioner —who was a distinguished lawyer—for decision. But, with regard to matters of fact, it was preposterous to put one member of a body composed of six to decide questions of fact on appeal from two of his own colleagues, especially as those two colleagues claimed to be men with special expert knowledge. The two special expert people with expert knowledge—the two Estates Commissioners—were to be appealed from to the Judge who was supposed to have no expert knowledge with two journeymen brought in from time to time who were called "assessors." A more ridiculous tribunal could not be imagined, and it would be quite impossible to work it with the constant friction there would be. He could imagine a case turning up where the question was whether a planter-tenant was *bona fide* in possession of his farm or not; and he could imagine the difficulty which the Judicial Commissioner would have in dealing with his own two colleagues who, in the next half-hour, might be associated with him on other business as his equals in all respects. What he and those who thought with him wanted was an independent appeal from the proceedings of the Land Commission, outside the Land Commission, into the investigation of which fresh minds would be brought, new publicity given and external light let in; and no other appeal could be successful, or could win the confidence of those whose fortunes depended upon the decision of such tribunal. He had heard with amazement that Judges were not fit to try cases unless they had expert knowledge. Why, there was not a Court of Chancery in the three Kingdoms that was not an answer, and a conclusive answer, to that. Vice-Chancellors, Masters of the Rolls——

*THE EARL OF CREWE: I think the noble and learned Lord is slightly, without any intention of doing so, misrepresenting what I said. I did not say the Court was not fit to try a case; I said that the Judge who tried the case had to depend upon what valuers happened to tell him.

LORD ATKINSON said that the Judge n this case would have to depend upon what the Judge in every other case had to depend upon, namely, the evidence given before him.

*THE EARL OF CREWE: I am speaking of what happened under the Act of 1870. As the noble and learned Lord knows perfectly well, the Judge used to decide the question on the advice of a particular valuer *ad hoc*, not on the question of evidence at all.

LORD ATKINSON said that so much did he appreciate that that by his Amendment he expressly provided that the Judge should have an independent person to give him assistance. But to assert that no man could try a case dealing with the value of land unless he was himself an expert agriculturist was to contradict the whole legal system of the country, which was that a Judge had to decide upon the evidence before him and not from his own technical knowledge. Therefore, there could be no objection in the world to a hearing before a Judge of Assize or before a Judge of the High Court. Any contention to the contrary was extraordinary, particularly considering that that was the very thing that the Judge of Assize had to decide under Mr. Gladstone's Act of 1870, under provisions for appeal identical with these. Any man who could decide what was the fair rent of land could necessarily decide what was the value of the land. Anybody who could decide what was the value of improvements upon land ought to go a great way in deciding what was the value of land, and it was difficul to see why a Judge of Assize, because he happened to sit in the King's Bench Division, could not come to as true and as right a conclusion as to the value of a piece of land, or as to whether a planter was *bona fide* occupying his holding, as Mr. Justice Wylie sitting with two assessors or assisted by a valuer. He therefore submitted that the appeal which he suggested was more satisfactory in every way. It brought to the proceedings of these Estates Commissioners and to the proceedings of the Land Commissioners new minds; it threw new light upon them; it brought them to the test of publicity; it brought justice to the home of the peasant by means of the Court he was most accustomed to, where all his litigation was really settled. As to the trial by a Judge upon the rota, that was merely introduced to meet the objection that might be made that during the interval between two Assizes, there might be no Court where the e cases could be tried. The noble Earl would recognise that he had, in the Amendment which he now proposed, struck out the part which dealt with the question of assessors. Of course, since the Amendment of his noble friend Lord Midleton was carried, he could not insist upon that. He had also introduced a provision that the landlord, or the vendor, were to receive the ordinary 10 per cent. for compulsory purchase, and as he had said upon another occasion, he did not think he could possibly claim that in addition to what was already secured to him. He did not wish to waste time by going over ground which had been already traversed. He submitted that as between the two appeals which had been laid before their Lordships to chose between, an appeal to an independent outsider on the proceedings of these Commissioners which would bring their justice and fairness of methods to the test was a much more satisfactory appeal than an appeal to one of those gentlemen who was in daily touch with the very Commissioners from whose decision the appeal was taken. He was not quite sure, according to the Amendment proposed in the House of Commons and now supplemented by what the noble Earl had said, exactly what he meant to cover by his Amendment. Did he mean that the planter should have a right of appeal if he was dispossessed on the ground that he was a *bona fide* owner in *bona fide* occupation of the farm, or did he mean to restrict the question of appeal only to Section 6? The wording was rather difficult to follow—

> "All questions arising under the provisions of this Act imposing the restriction on the acquisition of land may within the prescribed time."

He really did not know whether that was intended to be confined to Section 6 of the Act or was intended, as amended, to extend so as to apply to the case of a planter who would be dispossessed, because he never for a moment could take any share in passing any Amendment that would leave the planters at the mercy of the Estates Commissioners to determine whether they were *bona fide* farmers occupying the farm and to shut them out from all appeal. He thought it was most essential that whatever appeal was given should extend to them, and that if they were dispossessed they should have an opportunity of bringing their case before a higher tribunal. If there was no other reason why their Lordships should give prefernece to his Amendment over that of the noble Earl, he would say that the reason lay in the fact that under his Amendment it was made plain that the planter was protected, while under the noble Earl's Amendment the position of the planter was left in doubt.

Amendment moved—

"Not to insist on the Amendment in page 3, line 30, to which the Commons have disagreed, but to insert the following new Amendment in lieu thereof. To leave out from the word 'thereon' to the end of the Subsection (7) and insert the words :—'(*a*) Any person aggrieved by any order or proceeding of the Estates Commissioners under this Act may within the time and in the manner prescribed by rules to be made as herein-after provided, apply as he shall elect, either to the King's Bench Division of the High Court of Justice in Ireland, or to the Judges of Assize for the county in which the lands sought to be acquired, or the greater part thereof, are situated, to hear and determine any question of law or fact arising out of any such order or proceeding, including any question of law or fact under Section 1, Subsection 3, and Section 6. Every such application shall be heard and determined by one of the Judges of Assize for the said county, or by one of the Judges of the King's Bench Division, to be selected by the said Judges according to a rota to be framed by them at the commencement of each sitting of the said High Court. Upon hearing of every such application the Judge shall have power and authority to hear and determine all questions of law and fact that may arise, including the adequacy of the compensation awarded by the said order, and he may give judgment affirming, modifying, or reversing the said order of the Estates Commissioners, and may make such order as to the costs of and incidental to the said petition, and the hearing of the said application, as he may think fit; (*b*) Upon the hearing of every such application the said Judge shall have the jurisdiction, power, and authority possessed by a Judge of the High Court of Justice in Ireland when presiding at a trial at Nisi Prius, including the power to administer an oath, and to compel the attendance of witnesses and the production of documents. He shall also have the power to direct that an independent valuer, to be nominated by him, should report to him his opinion upon any matter the Judge may think fit to refer to him, and he may make such order in reference to the costs of any such report as he may deem just; (*c*) In the determination of any question as to the adequacy of the compensation offered, the Judge shall have regard to the principles of the provisions of the Lands Clauses Consolidation Act, 1845, applicable to the compulsory purchase of land, and for the purposes of the said application before the said Judge, the Estates Commissioners shall be deemed to be the promoters of the undertaking within the meaning of the said Act. Provided that no additional allowance shall be made in respect of the purchase being compulsory; (*d*) The Estates Commissioners shall be competent, but not compellable witnesses upon the hearing of every such application, and they shall furnish to the Judge hearing the same all such particulars and documents as shall by him be required, including a schedule in the form prescribed by Section 7 of the Act of 1903, together with a statement of the superior interests, if any, to which the lands sought to be acquired, or the estate of which they form a part, may be subject; (*e*) The inspectors and other officers of the Land Commission, other than the Land Commissioners themselves, shall be competent and compellable witnesses upon the hearing of every such application; (*f*) The said King's Bench Division and the Judges of Assize, respectively, may order that all applications pending before them in respect of the same petition or order as aforesaid may be consolidated and heard together, and for the more convenient, speedy, or proper hearing of any such applications, may order that the hearing of the same may be transferred from the said Division to the Judges of Assize, or from the Judges of Assize to that Division, as the case may be, and the said application, when so transferred, shall be heard and determined as if it had originally been made to the tribunal to which it has been transferred; (*g*) The Judge before whom any such application is heard may, where he deems it expedient, reserve any question or matter arising upon such application, by way of case stated, for the consideration of His Majesty's Court of Appeal in Ireland; (*h*) All cases stated for the Court of Appeal shall be prosecuted, heard, and determined by such Court in such manner and form, and subject to such rules and regulations as the Court may from time to time by rules direct. The said Court of Appeal shall give such judgment as ought to have been given in the Court below by the Judge thereof, and such judgment shall be of the like effect as if it had been the judgment of the said Judge, or the said Court of Appeal may remit the case with such directions as they think fit to the Court below; (*i*) In the interval between the lodging of any such application to the Judges of Assize and the opening of the Assizes for the county in which such application is to be heard the King's Bench Division of the High Court of Justice in Ireland shall, on the motion in the prescribed manner of the applicant, the Estates Commissioners, or any party interested, have jurisdiction, power, and authority to make any order of an interlocutory nature in the matter of the said application, as if the same were an action at law pending in the said division; (*j*) The provisions of Section 23 of the Act of 1903 shall apply to this Act so far as the same are not inconsistent with the provisions of the latter. Provided that a question of law which has been decided by a Judge of the High Court or of Assize, or by the Court of Appeal under the provisions of this Act shall not after the date of such decision, be referred for decision to the Judicial Commissioner nor while a question of law is awaiting decision in any application pending before such a Judge, shall the same question of law be referred for decision to the Judicial Commissioner, unless at the request of some person who is neither a party to nor interested in the matter of the said application; (*k*) The compensation to be paid to any owner of land in respect of the loss thereof shall for the purpose of the Land Purchase Acts be deemed to be the price to be paid for the purchase thereof; (*l*) Rules of Court regulating and prescribing the practice, procedure, and the costs of and incidental to the hearing of all proceedings under this section before the King's

Bench Division, or any Judge thereof, or any Judge of Assize, may be made by the authority having power to make Rules of Court for the Supreme Court of Judicature in Ireland; (9) If all questions under all petitions have been determined in such a manner that the Estates Commissioners would be entitled under the order of the Judge of Assize, or of the King's Bench Division, or of the Court of Appeal, as the case may be, to acquire the said lands, and if it appears to the Estates Commissioners that they cannot re-sell the land for the purposes of this Act without incurring a greater loss than that authorised by the Lord-Lieutenant, with the consent of the Treasury, they may at any time within six weeks after the determination of the amount of the compensation by notice in writing signify to such owner that it is not their intention to acquire the land, and in such case the Estates Commissioners shall pay to the owner compensation for any loss or expenses which he may have sustained or incurred by reason or in consequence of the proceedings, but if no such notice is given within the said period, the Land Commission shall, within six months after such determination, pay the amount of the compensation into the Bank of Ireland, and the Estates Commissioners shall make an order vesting the lands in the Land Commission.' "—(*Lord Atkinson.*)

*THE EARL OF CREWE: I suppose I ought not to speak again, but as the noble and learned Lord has asked me certain questions perhaps the House will allow me to do so. As regards the question he last asked, as to the planter, the noble and learned Lord will remember that we provided for the planter in another way—that any two of the Estates Commissioners and the Judicial Commissioners were to be the final authority to inquire if it was just that he should be moved—and as we have not assented to the Amendment of the noble Lord opposite relating to the planter, the question whether our appeal would apply to him is scarcely germane to the present discussion. The noble Lord still—quite naturally, and as I should have expected—adheres to the charms of his own infant and considers that the best possible tribunal that could be found is that of a Judge of Assize or a Judge of the High Court. And he said that after all this was the tribunal Mr. Gladstone had instituted under the Act of 1870. That is perfectly true, and the same statement was made in a leading article in *The Times* a day or two ago. But what neither the leading article nor the noble and learned Lord maintained was that as soon as any further legislation took place in that direction dealing with the subject of land—that is to say in 1881—this appeal was taken away from the Judge of Assize,—on the ground presumably that this tribunal had not been found satisfactory,—and was given by the Act of 1881, Section 47, to the Land Commission. Then came the 1903 Act, and under that Act, Section 88, it was provided that—

> "All re-hearings under Section 47 of the Act of 1881"

(that was the one which amended the Act of 1887),

> "and all rehearings shall be heard and determined by one Judicial Commissioner with the assistance of one specially qualified lay assessor who shall hear the evidence and on the application of either party inspect the holdings and report thereon."

Therefore in that Act of noble Lords opposite that appeal was still maintained to the Land Commission in preference to the Judge of Assize, who, for this particular purpose, has been extinct since the year 1881. I think the noble and learned Lord ought to bring some strong evidence——

LORD ATKINSON apologised for interrupting the noble Earl, but the Judge of Assize had been revived in 1898 and he was now the tribunal to determine the value of land taken by county councils.

*THE EARL OF CREWE: Yes, but not for this purpose.

LORD ATKINSON: No, but for a more important purpose.

*THE EARL OF CREWE: Of course nobody disputes the possibility of a Judge of Assize trying a case of this kind, and, I daresay, arriving at a very fair decision by the aid of the information which he gets in the course of the case. I have never intended for a moment to lay down, or even to suggest, that a Judge, or an arbitrator, or anybody else, in order properly to decide upon a case need necessarily be an expert—indeed it often happens that the less he knows of the case he has to decide the better. But the whole question is one of comparison, and what we say is that as a matter of fact and knowledge the Judicial Commissioner, Mr. Justice Wylie—who is a man of very great experience in these matters, and who has had a long experience, as noble Lords know, in matters connected with land—assisted by these specially-qualified assessors, is as good a tribunal as you could wish to have. The noble and learned Lord paid a very pleasing tribute to Mr. Justice Wylie's personality, and spoke of his independence and all the rest of it, but I am bound to say that I think he drew a somewhat lurid picture of the sort of terror which Mr. Justice Wylie is likely to be in towards his colleagues the Estates Commissioners. For my own part I do not believe that Mr. Justice Wylie, if he formed an opinion, would care a brass farthing what the Estates Commissioners said if he did not agree with them. And if he thought it necessary, in the exercise of his judgment, and with the assistance of the assessors, to revise some conclusion at which they had arrived, I do not believe he would be in the least deterred from doing so by the fact that he and they were also Land Commissioners. Because, after all, he is what they are not—a Judge of the High Court—and in that capacity, although in one sense they might be described as co-equals, yet in this sense, sitting as a Court of Appeal, they would be only too glad to admit he was their superior in trying a matter of that kind. The noble and learned Lord, also, I think suggested that there was no certainty that Mr. Justice Wylie would sit at all. I scarcely think that that is a fair suggestion to make. It was ingenious, no doubt, but to my mind it was more ingenious than fair, because, after all, this Act, as we know, is to have a somewhat short life—we hope these transactions will be completed within a limited period—and I think it is almost too much to make a suggestion that the Lord Chancellor would deliberately set Mr. Justice Wylie aside when the words of the proposed clause are that "the Judicial Commissioner shall, with the assistance of the assessors, hear cases in the prescribed manner," and would appoint some other Judge possibly unpalatable to landowners in Ireland. I think it may be taken as certain that the intention which we have shown in suggesting these words—that the Judicial Commissioner should be the person to be assisted by the assessors—will be carried out as far as it is humanly possible. Under those circumstances I am afraid that we cannot assent in any way to the suggestion of the noble and learned Lord, and I should like to think that some of the points I have ventured to lay before the House may assist noble Lords opposite—although I am bound to say I have not much hope of that—in arriving at the same conclusion as we have arrived at ourselves.

*THE EARL OF BESSBOROUGH desired to say at the outset that he had no evicted tenants, neither had he any untenanted land. In any remarks that he might make with regard to the Commissioners he had not the slightest intention of casting any aspersions on that body of gentlemen. It seemed to him, however, that the appeal which His Majesty's Government had offered was hardly an appeal which they on that side could accept. It seemed to him that the Commissioners had a great deal of work to do, and that the Judicial Commissioner would be in a very unpleasant position if the duty were cast upon him of hearing appeals from the body of which he was a member. The noble Lord the President of the Council had alluded to the Bill as being of a finite character. He clearly understood that it was so, but he very much doubted whether the principles laid down and the precedents created therein would not be of an everlasting character. For those reasons he entirely supported the Amendment of his noble and learned friend Lord Atkinson, which secured an appeal to an outside tribunal.

*THE MARQUESS OF LANSDOWNE: I have been much impressed during this discussion by the testimony which has been borne to the high character of Mr. Justice Wylie, the Judicial Commissioner, and speaking for myself I think I should be very much inclined to say that if I had to refer my interests to an appellate tribunal I should be very well content to leave myself in his hands. But on the other hand there is, as the noble Earl will have seen, a very strong and, I think, a very natural feeling that in matters of this importance, and considering the extremely unusual character of the provisions of this Bill, there should be an appeal to some tribunal entirely outside the Land Commission. I would venture to suggest to the noble Earl whether it might not be possible, while retaining the Judicial Commissioner as the appellate court, to give to the parties, as an alternative, the right of going to the Judge of Assize. I think if people were aware that such an alternative were open to them a good many of those misgivings which have been expressed would be removed. I am not myself wedded to any particular proposal. I think it is extremely difficult for a layman to take upon himself to say how judicial business of this kind can best be conducted. We are all, I am sure, grateful to my noble and learned friend (Lord Atkinson) for bringing forward a self-contained proposal for dealing with these appeals, but I am not prepared to say that I regard his proposal as better than any other, and if noble Lords opposite could offer some alternative which fulfilled the conditions which I have described I should certainly recommend my noble friends from Ireland to consider it favourably.

THE EARL OF MAYO wished to make it clear at the outset that he did not desire to say anything about Mr. Justice Wylie. The real truth was that they who lived in Ireland and had dealings with the Commissioners felt that as this Bill was a compulsory Bill they would like to remove themselves, if there was an appeal, entirely from the atmosphere of the Land Commission. It resolved itself into that. The truth of the matter was that Mr. Justice Wylie and the other Estates Commissioners were, practically speaking, a firm who dealt in land, who had the power of acquisition of land, and who could do practically more or less what they liked with land. The appeal that the Government had offered amounted to this—that it was an appeal from the junior partner to the senior partner in that firm—and for that reason he thought they were perfectly justified in seeking to remove themselves entirely from that atmosphere. They knew as well as possible that if Mr. Justice Wylie was to be allowed to sit as an appellate Judge in this matter he would have frequent conflicts with his colleagues. That would not facilitate Commissioners in any way whatsoever, nor would it facilitate the hearing of an appeal in a satisfactory manner. There was another thing to remember which he hoped noble Lords from England would take to heart, and that was that if this kind of appeal were admitted in this Bill they knew perfectly well that a very much larger Bill was looming in the future, and, as coming events cast their shadows before, if they were to have compulsory purchase—and it had been foreshadowed that compulsory purchase would be the mode of dealing with the congested districts in the West of Ireland. If that were to be so, they must insist upon getting outside the atmosphere of the Land Commission when they desired to appeal. He did not wish to say anything about Mr. Justice Wylie. He believed him to be a strong man and a just man, but if such an appeal as that now proposed had been granted in no other Act in the United Kingdom, surely they in Ireland, where compulsion was being put upon them for a certain purpose, ought not to be asked to accept such an appeal. After all that had been said about the smallness of the number of evicted tenants, and now that this extraordinarily larger number had cropped up, and now that this Bill had been brought up in such a hurry to deal with the question, the least they could do was to ask for a fair, honest, and just appeal.

THE EARL OF LEITRIM said there was one point in which this appeal bore a strong resemblance to a similar provision in the English Land Bill. In the debate last night the noble and learned Lord on the Woolsack agreed that where the Board of Agriculture were interested parties it was not fair that the Board's valuer should act in the manner provided in the Bill, but that an independent arbitrator should be appointed to settle the price of the land. He appealed to the noble and learned Lord now to state whether he thought the Judicial Commissioner was not in some degree an interested party in the present measure. A very strong opinion was held by noble Lords from Ireland that there should be an appeal outside the Land Commission, so that they would have an independent appeal unconnected with the Estates Commissioners.

*THE MARQUESS OF LANSDOWNE: May I quote, in support of what I said a moment ago, a very interesting passage which I have extracted from a paper put in by Mr. Commissioner Finucane before Lord Dudley's Commission the other day. I think that some injustice has been done to Mr. Finucane, as well as to his colleague, by the quotation of isolated passages from their evidence which, taken apart from the context, perhaps do not quite adequately represent their general views. I now quote this passage as bearing upon what we are at the moment discussing. It is in a Memorandum which your Lordships will find on page 317 of the Report of Lord Dudley's Commission. Mr. Finucane said—

> "No individual, official or non-official, and no board or body of men, whether official or non-official, should be invested with absolute power of acquiring land compulsorily without an appeal on questions of price and of law to a judicial or quasi-judicial body."

Here we have a case of a board—these gentlemen are really all members of a board—and if that very sound doctrine be adopted it would follow logically that there should be an appeal, at all events in some cases, from that body to some tribunal external to it.

*THE EARL OF CREWE: The noble Lord (the Earl of Leitrim) prayed in aid the English Land Bill as showing that people ought not to be judges in their own case. If it is seriously maintained that Mr. Justice Wylie, because he is a Judicial Commissioner, and these other gentlemen the Estates Commissioners are also Land Commissioners, are in any sense a party to the transaction in the case of a particular sale of land—if that could be maintained there might be something in the contention. But the noble Marquess (the Marquess of Lansdowne) said that these gentlemen constitute one Board. It is not in the least true to say that they are one Board. The three Estates Commissioners no doubt are; but the Judicial Commissioner is absolutely outside of them for this particular purpose. It is only by implying, as the noble and learned Lord (Lord Atkinson) did, that they exercised some sort of terrorising influence over the Judicial Commissioner that that argument could be maintained at all. It is perfectly obvious that so far as these transactions are concerned the Judicial Commissioner cannot be said by any degree of straining of language to be at all an interested party. On this question of appeal upon value I confess that we do not find it possible to meet noble Lords opposite. Noble Lords will remember that at an earlier stage of the Bill I spoke of the possibility of finding a single Judge to undertake this work. I still think there might be something to be said for that course, if noble Lords opposite imagine that such a Judge can be found, but unfortunately the compulsory powers of this Act do not extend to taking a learned Judge by the scruff of his neck—if I may be allowed to use a rather disrespectful expression—and placing him on the bench and insisting on his trying certain judicial matters, and I am afraid it would be exceedingly difficult to get any member of the High Court of Ireland to undertake this work. I confess that in spite of all the elaborate and ingenious arguments which have been advanced I do not appreciate the objection which noble Lords seemed to take to the Judicial Commissioner in this matter. As far as regards the other questions—those arising under Clause 6—the same objections, in our opinion, do not apply. On all the questions which arise in Clause 6 with regard to the acquisition of land, we should be prepared, if noble Lords preferred it—and it would also have the advantage of not throwing the same amount of work on the Judicial Commissioners—a point which the noble and learned Lord put with great force, if I may say so—we should be prepared, I say, to submit all the appeals which arise under Clause 6 to a rota of Judges to take the words of the noble and learned Lord's Amendment on page 3—

> "One of the Judges of the King's Bench Division to be selected by the said Judges according to a rota to be framed by them at the commencement of each sitting of the said High Court."

We should be prepared, so far as all the questions under Clause 6 are concerned, to give that kind of appeal if noble Lords preferred it instead of the other form of appeal, but I am afraid we must adhere to our own proposal so far as questions of value are concerned. I regret that I cannot go beyond the offer we have already made to noble Lords opposite.

*THE MARQUESS OF LANSDOWNE: Would the noble Lord's proposal include a reference to the Judge in cases arising with regard to new tenants?

*THE EARL OF CREWE: I am afraid I cannot answer that question off-hand. The question of the new tenants rests in this way. We have made a proposition with regard to new tenants, and noble Lords have inserted a different clause. As long as that clause remains in the Bill it is impossible for me to give an answer to the question which the noble Marquess has just put.

*LORD ASHBOURNE said that they were advancing, but it was obvious, at the same time, that they had arrived at a point at which the matter could not rest. One thing had been made abundantly plain in the course of the debate, and that was that the House—the Opposition side of the House at all events, and he thought possibly that they had the concurrence of many noble Lords sitting on the other side—was of opinion that the Amendment put in at the instance of his noble and learned friend (Lord Robertson) was one to which extreme importance ought to be attached, and there was not the slightest possibility that he could see of their receding from that position. That being so, the question arose, were these new tenants to be excluded from appeal? If the words of Lord Robertson were acceded to there was protection where protection was sought, but supposing that a man who was a *bona-fide* tenant farming his land was disregarded and his land taken away, he was surely entitled to be protected by a right of appeal. That was a matter of importance. It might be that the noble Earl had not considered it; but obviously it was a matter which could not be left in doubt. The protection of the planter was a question which they had regarded throughout as one of extreme importance, and it was impossible for them to desert or abandon those men. The appeal was necessary to validate, strengthen, and support the clause now standing in the Bill. He felt, as he had said, that the position had advanced, because, originally, there was no Court of Appeal for any purpose in the Bill. His noble and learned friend (Lord Atkinson) had prepared with great completeness and ability the appeal section which was before their Lordships. That led to the introduction of the appeal proposed by His Majesty's Government, and it was obvious that although that was an advance which was recognised as showing a desire to deal with the question, still it was absolutely incomplete in its subject matter, for it excluded from the appellate jurisdiction the case of the new tenant and the planter. Mr. Justice Wylie was greatly respected, and enjoyed the confidence of his profession, but the matter was not to be treated as at all a personal question with regard to him. There was a desire to see the introduction of some authority which would represent an outside view of the case, and that desire existed without the slightest reflection upon Mr. Justice Wylie. In reference to the rota and the distribution of business, the suggestion to give the appeal as to value, and appeals under Section 6 to Mr. Justice Wylie and a rota of judges, that, of course, was a matter which had now been stated for the first time; and that was an advance to some extent; he did not say that it was not entitled to consideration, but there had not yet been much time to consider it. On the subject of the rota, he considered that the King's Bench Judges would scrutinise with very great attention, and with some anxiety, the course of legislation upon this matter. It must be borne in mind that unfortunately this provision was brought in in the middle of the vacation, when all the Judges were away, and were not accessible, and, therefore, they were not in a position to send forward their views, which otherwise they might possibly have done. The question of rota was not an easy question; it would have to be considered and criticised; and he would suggest, as a possible Amendment to the clause of his noble and learned friend, that, instead of putting in that a rota should be cast for sittings four times a year, which he did not see any necessity for, it would be wiser to leave to that great tribunal, the King's Bench, the power of regulating their own times of sittings and the fixing of the rota. That was a mere matter of detail; but there was another matter with reference to the rota which, he thought, would be possibly put forward as a matter of judicial examination and criticism. The King's Bench Judges might say, "Why do you pick out the King's Bench Judges alone? Are we the only Judges to be employed in this not particularly agreeable and attractive duty? You have got Mr. Justice Ross, who certainly has not as much to do as many of us, and who is closely connected with land administration and is given distinct powers under the Act of 1896. Why is he not to bear his part, at all events, as a judge on the rota?" And then it might be suggested, if he was to go on the rota, why not his colleague the Judicial Commissioner, Mr. Justice Wylie? He ventured to think that as the Judges were away, and unable to put forward their case and their criticism, it would be well to bear in mind these things, and to make sure that in the constitution of the rota they should engage all the Judges who might be legitimately asked to take a share in work which would not be looked upon as of the most agreeable character. That was a matter which he would not dwell upon at any length, but would only indicate as one worth consideration and attention. He was more anxious, if possible, to have something like a clear view as to the question which his noble friend the Leader of the Opposition had asked as to what was to be the position of affairs with regard to this appeal. That was a matter of first-class importance. The Amendment of his noble and learned friend Lord Robertson was admirable; it gave protection by announcing what was to be the governing policy; but it must have powder and shot behind it, it must have the sanction of a Court, and if it was departed from or violated by mistake, inadvertence, or otherwise, there must be a method of setting it right by appeal. With regard to the other matter, which had now been suggested for the first time, it was a matter of novelty and one that he had not had time to consider. It proposed practically two appellate tribunals, without saying exactly what were to be their denominations or limitations. He would, of course, be glad to have the opportunity of considering that question; but, in the meantime, there was a proposal before them for consideration in addition to His Majesty's Government's proposal. The Government proposal was incomplete, because it did not contain any decision whatever in reference to an appeal for the planters. His noble and learned friend's (Lord Atkinson) Amendment was not open to that charge, and, whether they liked it or not, as a means of deciding one way or the other, for the purpose of coming to a conclusion at the present stage, it was complete in itself; it gave an appeal to the planter; it gave an appeal on the price, and it gave an appeal in reference to the other questions which might arise. It was, therefore, complete in regard to its subject matter, and it provided an appellate tribunal above all impeachment as to character and competency. Therefore, whatever criticism might be made as to various parts of it, no one could question that it was complete, exhaustive and self-containing, and that was a matter which they could not lose sight of when they came to a division.

On Question, "That this House do not insist on their Amendment with which the Commons have disagreed," Motion agreed to.

On Question, "That this House do disagree with Commons' proposed Amendments," Motion agreed to.

On Question, "That Lord Atkinson's new amendment be there inserted," Motion agreed to.

*THE EARL OF CREWE: On page 4, line 14, there is a small Amendment by the Commons to your Lordships' Amendment. Your Lordships proposed after "holding" to insert "and shall at the same time offer to such new tenant such sum as may be reasonably necessary to cover any expense or loss incidental to the removal of himself and his family, as well as of his crops, stock, and chattels to such parcel of land."

The Commons propose to amend the Amendment by inserting the word "other" before "chattels."

Moved, "That this House do agree to Commons Amendment of their Amendment."—(*The Earl of Crewe.*)

On Question, Motion agreed to.

* THE EARL OF CREWE: With regard to the next Amendment, which was originally Lord Barrymore's, I am afraid I was a little over precipitate in accepting it, as I think I did when it came before us as a Committee. As a matter of fact, the circumstances are not really the same as those applying to the Amendment in line 14. This is an Amendment on line 19 to insert similar words where a man does not take a farm, and also to compensate him for moving. I think, on consideration, your Lordships' House will see that it is one thing to say that a man should be compensated for moving his goods to another farm which he has taken, but if he retires to, say, Australia, it would be rather a strong order. Perhaps noble Lords would agree to that.

Moved, "That this House do not insist on their Amendment to page 4, line 19."—(*The Earl of Crewe.*)

On Question, Motion agreed to.

* THE EARL OF CREWE: The next is in page 4, line 22, where your Lordships proposed after "1881" to insert—

"Provided that the Estates Commissioners may, if they think proper, and the new tenant so desires, award a sum as full compensation under this Sub-section 3, without making an offer of a parcel of land under Sub-section 2."

To this the Commons disagree, but they propose to amend the Bill by inserting in page 4, line 22, the words—

"(4) Where the new tenant applies within the prescribed time for compensation under the last preceding subsection, the Estates Commissioners may, if they think proper, award him such compensation without having offered to put him into possession of a parcel of land.

Moved, "That this House do not insist on their Amendment to page 4, line 22."—(*The Earl of Crewe.*)

On Question, Motion agreed to.

Moved, "That the House agree to the Amendment of the Commons at page 4, line 22."—(*The Earl of Crewe.*)

On Question, Motion agreed to.

* THE EARL OF CREWE: The next Amendment of your Lordships to which the Commons disagree is at page 5, line 5, at the beginning of the sub-section to insert "except as hereinbefore provided." The Amendment proposed by the Commons is consequential, and I do not think we need discuss it.

LORD ASHBOURNE thought the Amendment of his noble friend (Lord Dunboyne) was, in a sense, not of first-class importance, but it arose in this way. It left, as well as he recollected, all the measure of the costs to the Judicial Commissioner; but, under the Amendment of his noble and learned friend (Lord Atkinson), other Judges were brought in to deal with the costs, and therefore the word "except" was put in at the beginning in order that the matter might be referred to the Judicial Commissioner.

THE LORD CHANCELLOR: I do not quite know what the Motion before the House is.

LORD DUNBOYNE moved to insist upon the words "except as hereinbefore provided" standing part of the Bill.

Moved, "That the House do insist upon their Amendment to page 5, line 5, with which the Commons have disagreed."—(*Lord Dunboyne.*)

On Question, Motion agreed to.

* THE EARL OF CREWE: I think it is useless to attempt to insert here the Commons' Amendment, because the form of the Bill would be changed by it; but it is almost necessary, I think, your Lordships having put the Bill into the shape in which it is, to disagree with the Amendment.

Moved, "That the House do disagree with the Commons' consequential Amendments in page 5, lines 6, 7 and 8."—(*The Earl of Crewe.*)

On Question, Motion agreed to.

* **The Earl of CREWE**: The next Amendment of your Lordships' House with which the Commons disagree is to leave out Clause 5. The Commons propose to amend the restored clause by adding at the end the words—

"Provided that the total amount paid out of the Land Purchase Aid Fund under this section shall not exceed £100,000."

I think we are all agreed upon that.

The Marquess of LONDONDERRY agreed with the noble Earl.

Moved, "That this House do not insist on their Amendment to leave out Clause 5."—(*The Earl of Crewe.*)

On Question, Motion agreed to.

Moved, "That the House do agree to the Commons Amendment at the end of Clause 5."—(*The Earl of Crewe.*)

On Question, Motion agreed to.

***The Earl of CREWE**: The next Amendment is in page 5, line 25, after the word "farm" to insert the word "townpark." The Commons have amended this Amendment by inserting after the word "townpark" the words "within the meaning of the Land Law (Ireland) Acts." I beg to move that that be agreed to.

Moved, "That this House do agree to the Commons Amendment of their Amendment to page 5, line 25."—(*The Earl of Crewe.*)

On Question, Motion agreed to.

***The Earl of CREWE**: The next Amendment is in page 5, line 26, which was originally Lord Clonbrock's. Your Lordships inserted after the word "ground," the words "or ground suitable for building sites or which for any reason possesses an exceptional or accommodation value to the owner." So far as the sentence to the first comma is concerned, we prefer the word "adapted" instead of the word "suitable"; and I am afraid we cannot agree to the words "exceptional or accommodation value to the owner." I do not know whether the noble Lord will think it worth while to proceed with that, as he has got so much already in the form of Lord Atkinson's Amendment.

Lord CLONBROCK said he was afraid he must ask the House to insist upon his Amendment. When he originally brought up the Amendment, cases were mentioned of very large farms, some being instanced to the number of several thousand acres, and he quite adhered to the view that it was desirable that farming operations of large extent should be carried on, both because of the amount of labour in the country and because of the example it gave to the people of the proper method of tilling. But he wished to point out that those were not the only cases, by any means, which he had had in view. It was not the cases of the large landowners which had induced him to put down the Amendment; those cases might be counted upon the fingers probably; but there were a great many small, needy landlords whose income had been reduced by the perverse and faulty legislation of recent years, and whose principal means of livelihood was in farming their land; they farmed their own demesnes, but it was impossible to farm them in most cases without also farming land outside, land which was not necessarily in the immediate vicinity, but might be at a distance off—wintering land and so on. If that land was taken from them, not only would the demand for labour cease, which he thought was a matter of great importance to the country; but they would be absolutely unable, in many cases, to live where they were now. He need not point out to the House the advantage of having a certain number of men of education living in the country, and the misfortune it would be to the whole country if they were driven out. He was convinced there were a great many people to whom the loss would be very serious if land of that description was taken from them, even if it was not of a large amount, by the compulsory action of the Estates Commissioners, and in many cases it would mean ruin to them. He must therefore urge the House to insist upon the Amendment which he had put down.

*THE EARL OF CREWE: Perhaps the noble Lord on the Woolsack, in putting the Motion, will put the words "or ground 'adapted' for building sites," instead of 'suitable.'"

THE LORD CHANCELLOR: Does the noble Lord accept the word "adapted"?

LORD CLONBROCK: Yes.

Amendment moved—

"That the word 'adapted' be substituted for the word 'suitable.'"—(*The Earl of Crewe.*)

On Question, Amendment agreed to.

Moved, "That this House do insist upon their Amendment to page 5, line 26, as amended."—(*Lord Clonbrock.*)

On Question, Motion agreed to.

*THE EARL OF CREWE: The next Amendment is also Lord Clonbrock's—to leave out "immediately adjoining and." I think in this case we can give the noble Lord the words he wants. I am still a little obscure about the meaning of the words "immediately adjoining," but I will not press their being struck out.

Moved, "That this House do insist upon their Amendment to page 5, line 32."—(*Lord Clonbrock.*)

On Question, Motion agreed to.

*THE MARQUESS OF LANSDOWNE: Did not the noble Earl (the Earl of Crewe) intend to add some words to the last lines of Clause 6, which he mentioned earlier in the evening? Is not the clause to run, "land shall be selected with due regard to the general situation and convenience of any other property of the owner so as not to diminish the value thereof"?

*THE EARL OF CREWE: Those words hinged, I am afraid, upon the acceptance of our general proposition. Noble Lords have adopted the Lands Clauses Act, and those words, therefore, are clearly not needed. I was quite prepared to restore them if the words in Clause 1 were accepted; but the two things hang together. I think the noble Marquess will see that, from his point of view, the words are not wanted.

*THE MARQUESS OF LANSDOWNE: I simply regarded it as better drafting.

After Clause 6:—

*THE EARL OF CREWE: Your Lordships will remember that your Lordships' House inserted a new clause to the effect that—

"Where any land is compulsorily acquired under this Act all sporting rights theretofore vested in the owner of the land shall, if he so desires, be expressly reserved to him."

This is not a point upon which we desire to lay the greatest possible stress, but at the same time I am not in a position to say that I accept the clause, although I think I have before indicated there are certain points in it which might, at any rate conceivably, create hardship. I am not able to say that we agree to the new clause; but I have no doubt your Lordships will insist upon it.

Moved, "That this House do insist upon their Amendment to insert new clause after Clause 6."

On Question, Motion agreed to.

*THE EARL OF CREWE: The next Amendment is the omission of Clause 13, and upon that I beg to move that this House do not insist upon this Amendment. I do not wish in any way to argue over again the question about the *status* of the Estates Commissioners. It is enough, particularly at this hour of the night, to say that we adhere to the views which I stated at considerable length, that it is necessary for the protection of the Estates Commissioners that they should have the more or less judicial *status* provided for them in Clause 13.

Moved, "That this House do not insist upon their Amendment to leave out Clause 13."—(*The Earl of Crewe.*)

*THE MARQUESS OF LANSDOWNE: All I have to say about this clause is that, as the noble Earl is aware, we attach considerable importance to the point. But I am bound to add that, to my mind, the question is very closely mixed up with the question of appeal which we were discussing earlier in the evening; and, if it were possible for us to arrive at a satisfactory solution of the appeal difficulty, I think many of my noble friends who sit beside me would be inclined not to press this particular clause too far.

On Question, Motion negatived.

After Clause 15:—

*THE EARL OF CREWE: There is only one further Amendment, and that is a new clause as to the duration of the Act—

"The provisions of this Act conferring power for the acquisition of land and for the determination of tenancies shall continue in force for three years after the passing of this Act."

The Commons have amended that to "four" years; and I move that this House do not insist on the Amendment.

Moved, "That this House do not insist upon their Amendment after Clause 15."—(*The Earl of Crewe.*)

THE EARL OF MAYO said that he had moved the Amendment originally, but he was willing to give way, and accept "four" years.

On Question, Motion agreed to.

*THE EARL OF CREWE: My Lords, there is one point upon which I am afraid I am out of order, and we shall all be out of order, but as a matter of fact I ought to have reminded the House before that the omission of Clause 13, if insisted upon, has a serious effect upon the Bill. If your Lordships wish to take the course of amending Clause 13, then the Bill would go back to the House of Commons with the clause as amended, but the insistance on the omission of the clause will, I understand, have a disastrous effect upon the life of the Bill.

*THE MARQUESS OF LANSDOWNE: If I am not out of order, I would move that the Estates Commissioners shall hold office by the same tenure as heretofore as if they were county court Judges in Ireland.

LORD ASHBOURNE: "During and after the passing of this Act."

*THE MARQUESS OF LANSDOWNE: "The same tenure as heretofore" and strike out the rest of the clause.

*THE EARL OF CREWE: Does the noble Marquess move those words?

*THE MARQUESS OF LANSDOWNE: Yes.

*THE EARL OF CREWE: Perhaps the noble Marquess would give the words to the noble Lord on the Woolsack.

THE LORD CHANCELLOR: First of all, so that the House may be in order, I will move that the decision of the House in regard to Clause 13 be superseded.

Moved, "That the House do rescind their Resolution to insist upon the omission of Clause 13."—(*The Lord Chancellor.*)

On Question, Motion agreed to.

Moved, "That Clause 13 be amended by inserting after the word 'shall' the words 'from and after the passing of this Act.'"—(*The Marquess of Lansdowne.*)

On Question, Motion agreed to.

A Committee appointed to prepare reasons for the Lords insisting on certain of their Amendments and for disagreeing to certain of the Commons Amendments. The Committee to meet forthwith.

PUBLIC HEALTH BILL.

Order of the Day read for the House to be put into Committee on the Public Health Bill.

THE CHAIRMAN OF COMMITTEES: Before the Motion is put for the House to put itself into Committee, I should like to explain to the House the action that has been taken upon this Bill. The Bill, as your Lordships will remember, was referred to a Select Committee of your Lordships' House. That Committee has sat on three occasions, and the Amendments it proposes are embodied in the Bill that is before your Lordships for consideration this evening. But I want to point out that, owing to the lateness of the session, it was impossible for the Committee to hold as many meetings as, I think, it ought to have held in order to complete its work. Therefore your Lordships will be asked, at this stage of the proceedings, to insert a certain number of minor Amendments which the Committee had not the opportunity of fully considering. There is one Amendment upon the Paper, to be moved by the Earl of Carlisle, with regard to which it was thought by the Committee that the Committee of the Whole House ought to have the opportunity of hearing what the noble Earl has to say, and therefore, the consideration of that question was not undertaken by the Committee to whom your Lordships referred the Bill.

House in Committee (according to order).

The Amendments proposed by the Select Committee made.

Clauses 1 and 2 agreed to.

Clause 3:—

LORD EVERSLEY, in moving the insertion of a new subsection, providing for the insertion of advertisements in the local newspapers of applications under the Act, said that this matter had been discussed by the Committee; and the proposed Amendment was one which had the approval of Lord Allendale.

Amendment moved—

"In page 2, line 21, after the word 'place,' to insert the following new subsection: '(2) the local authority shall, one month at least before applying for an Order, give notice of their intention to make such application by advertising the same in one or more of the newspapers circulating in their district once at least in each of two successive weeks, and no Order shall be made under this section until proof of such advertisement has been given to the satisfaction of the Local Government Board, and until at least one month has elapsed after the date of the last of such advertisements.'"—(*Lord Eversley.*)

On Question, Amendment agreed to.

Clause 3, as amended, agreed to.

Clauses 4 to 11 agreed to.

Clauses 12 to 48, with drafting Amendments, agreed to.

Clause 49:—

LORD MONK BRETTON, who had an Amendment upon the Paper to insert the words "Provided that within the county of London the administration of ambulance shall be in the hands of the metropolitan police.'" said he did not wish to move.

Clauses 49 to 74, with drafting Amendments, agreed to.

Clause 75:—

THE EARL OF CARLISLE, in moving to amend the clause so as not to give the local authorities powers with regard to the sale of intoxicating liquors, said he was exceedingly unwilling to occupy their Lordships' time at that hour of the night; but, as he had put down Amendments, he would like to state his reasons for doing so. It seemed to him that if the clause were passed in its present form, there might be an inducement to some town councils or municipalities to start public houses on their own account. That was a course which he believed every Party objected to theoretically. At the beginning of the session the Leader of the Opposition stated particularly that he hoped the promised Government Bill would not include any scheme of municipalisation. It was a subject on which all temperance reformers agreed, and he had no doubt the Government did not intend it themselves, but he thought there was a danger that some of the many bodies, who would be able to do so under this clause, might be tempted to try the experiment, particularly if they were in financial difficulties. He knew it would be said that there were a number of municipalities and public bodies who already had power under private Acts, and that the fact that they had not availed themselves of the power showed that there was not a real want felt in that direction. But these bodies all represented important towns; and the fact that a few hundred of those had not tried to set up public houses was no proof that if this facility were given to the 26,000 public bodies, some of them might not yield to the temptation. He believed the fact that the magistrates would have to licence such houses was no real safeguard, because it would be impossible, or practically impossible, for a licensing bench to refuse a proposal that was made by a municipality on this subject. Very likely the same individuals who sat as licensing magistrates would themselves be members of the town council or municipality. He hoped that His Majesty's Government might see their way to make this slight alteration, which, he believed, would not be at all contrary to their intentions. Intentions, by themselves, were not sufficient, because both the Education Act and the Licensing Act of the late Government had shown that clauses might be interpreted in a way to lead to difficulties which were never anticipated by those who had brought them forward. They were lately told that in an Act passed two generations ago a clause was introduced which the Government of the day promised to repeal immediately, and that that Act passed the House of Commons on that understanding; yet they were at present engaged in carrying out that Government promise. That showed, in his opinion, that if any mistake—anything that was not anticipated by the framers of the measure—were to take place owing to the vagueness of this clause, it might be an exceedingly difficult and long business to correct it. He hoped, therefore, His Majesty's Government might see their way to accept his Amendments. He begged to move.

Amendment moved—

"In page 33, line 21, to leave out the words 'either manage themselves, or, if they see fit.'"

"In page 33, line 23, after the word 'years' to insert the words 'provided that such refreshment rooms shall not be licensed for the sale of intoxicating liquors.'"—(*The Earl of Carlisle.*)

*LORD ALLENDALE: I think I may treat these two Amendments as one for the purposes of my reply, as they are practically bound up together. I regret it is not possible for His Majesty's Government to accept the Amendments of the noble Earl. It is perfectly true, as Lord Carlisle has said, that Parliament has granted these powers before by certain local Acts, and during the session of 1904–06 there were at least seventeen cases in which powers were given in this way to local authorities to provide and maintain buildings in recreation grounds and public resorts, and in several of them refreshment rooms were sanctioned. I can assure the noble Earl that nothing can be further from the intention of His Majesty's Government than to encourage municipal authorities to undertake the management of refreshment places, and especially those licensed for the sale of intoxicating liquors. On the other hand, nothing in this clause indicates that there will be any compulsion or any encouragement for local authorities to enter upon any such undertaking. There is nothing either to compel them to do so, or to give them any encouragement. But I think it would, on the whole, be rather a strong measure to exclude every form of intoxicating liquors from all the parks and recreation grounds to which the clause would apply. There is another reason why His Majesty's Government cannot accept this Amendment. The question was raised before the Standing Committee in another place, and there was a good deal of objection taken to it, and it was largely on account of His Majesty's Government giving way with regard to this point that the Bill was allowed to go through and to pass the House of Commons. This, and a good many other controversial questions, were struck out of the Bill in order that the Bill should not be lost during this session. I am advised that it would be to some extent a breach of faith with Members of the other House who let this Bill go through if this Amendment was inserted, and I fear that at this period of the Session it would end in the Bill being altogether lost. I very much regret, therefore, that, much as I sympathise with the noble Lord, His Majesty's Government cannot see their way to accept the Amendment.

*THE CHAIRMAN OF COMMITTEES: Perhaps the Committee will permit me to say a few words on this subject, although I am in the Chair. The proposal is simply to allow local authorities to establish refreshment rooms in their open spaces; and that has been taken advantage of by a great number of local authorities whose accounts are not at present audited by the Local Government Board. I ought not to say that they have the power, but they exercise it as a matter of fact. If the Amendment were inserted, they would be deprived of this privilege. I confess I cannot see upon what grounds the noble Lord urges the omission of the words "sale of intoxicating liquors." I remember not many years ago that those who were very enthusiastic in favour of temperance reform believed that what was known as the Gothenburg system—in other words, the control of the sale of intoxicating liquors by municipalities and local authorities—was the best remedy for intemperance. The noble Lord shakes his head, but I well recollect that my right hon. friend Mr. Chamberlain, in those days which I think the noble Lords on this side of the House call his unregenerate days, was a very strong advocate of that form of licensing reform. And, when it is borne in mind that the magistrates will have exactly the same powers in granting licenses for these places as elsewhere, I cannot think that your Lordships would be well advised in interfering specially to say that magistrates should not have a right to grant such licences. I think myself that much less danger is likely to arise where a refreshment place is conducted by a local authority than where it is conducted by a public house, when the sole object is gain to an individual. I think we may safely leave it to the magistrates to grant licences in this, as in all other cases. I very much hope your Lordships will not do anything to imperil the fate of this Bill, and I am very much afraid that if this Amendment is accepted by your Lordships the Bill will be likely to be lost in another place.

The Earl of CARLISLE said that he was not anxious to make another speech, but he might say that, though he was not one of the party which had been referred to, he was perfectly certain that that important party who favoured what was sometimes called the Gothenburg system, did not approve of the municipalisation of public houses. Theirs was a perfectly different idea, namely, that the management of public houses should be by a disinterested body; but their exponent, Mr. Sherwell, who had a right to speak for them, insisted particularly that the profits should not go in aid of the rates. That they considered to be particularly objectionable. Sir Thomas Whitaker, who, he believed, was the representative of the party in the House of Commons, expressed his strong disapproval of this clause, as he thought it would tend to increase the number of public houses, which was a state of things which both the late and the present Governments objected to. He did not wish to press the Amendment if it would really endanger the Bill. He noted with satisfaction that the Government had distinctly said that they had no intention of promoting what he dreaded. He begged leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

Clause 75 agreed to.

Clauses 76 to 93, with drafting Amendments, agreed to.

Clause 94:—

***Lord ALLENDALE**, in moving to insert a proviso that the local authority should not undertake certain works calculated to create nuisance except after inquiry by the Local Government Board, said: I do not know, my Lords, that this Amendment needs any explanation from me, but its effect is that on any lands appropriated the local authority should not permit any nuisance, and that certain works, such as the construction of cemeteries, destructors, sewage farms, and so on, should not be undertaken without local inquiry and authorisation by the Local Government Board.

Amendment moved—

"In page 44, line 2, after the word 'Act' to insert the words 'provided that the local authority shall not on any lands so appropriated create or permit any nuisance, and that the local authority shall not on any such lands sink any well for the public supply of water or construct any cemetry, burial ground, destructor, station for generating electricity, sewage farm, or hospital for infectious disease, unless after local inquiry and consideration of any objections made by persons affected the Local Government Board, subject to such conditions as they think fit, authorise the work or construction.' "—(*Lord Allendale.*)

On Question, Amendment agreed to.

Drafting Amendments agreed to.

Clause, as amended, agreed to.

Standing Committee negatived.

Then (Standing Order No. XXXIX. having been suspended): Amendments reported. Bill read 3ª with the Amendments, and passed, and returned to the Commons.

PATENTS AND DESIGNS BILL.

House in Committee (according to order).

Clauses 1 to 6 agreed to.

Clause 7:—

THE MARQUESS OF SALISBURY, in moving to omit Clause 7, said the proposal in this clause was a perfectly new one, which had never yet found its way into patent legislation. Under it the Comptroller, who, though an admirable official of the Board of Trade, was not a judicial officer in any sense of the word, had a right to stop absolutely an application for a patent if he thought it had been wholly anticipated. As a matter of fact, there was no more difficult issue to try as whether a patent had been wholly anticipated. The experience of the Courts showed in case after case and time after time that patents which had the appearance of having been wholly anticipated, so far from having been in fact anticipated, had been sustained by the highest Courts, and had been of the greatest use to the community and to the industries of the country. At a more congenial period he could have gone into that subject at great length; but he might mention one case in order to illustrate his meaning to their Lordships. A patent was applied for which had for its object the disinfecting of clothes by means of superheated steam. When the specification was looked at that patent appeared to have been completely and absolutely anticipated by a former patent. The one which it was alleged anticipated it was a complete and disastrous failure, for the reason that when the pressure of steam was put on the machine it burst, and therefore it did not succeed. As far as the description of the patent was concerned, the new patent was precisely the same as the old, only in this case when the pressure of steam was put on it did not burst, and the result was just the difference between complete failure and complete success. It would have been exceedingly difficult to have told that beforehand upon the terms of the specification; but when the case came to be tried by the superior Courts after the new patent had been in use for some time, the patent was sustained. He only mentioned that in order to illustrate that the issue of whether a patent had been anticipated or not was a most difficult one, and was not one which ought to be entrusted to the Comptroller of his own motion to interpret and decide upon. This clause had attracted a great deal of attention. It was not in the original Bill of His Majesty's Government, but it was put in in Grand Committee of the House of Commons. A letter had been written to *The Times* protesting in the warmest way against it, and signed by a large number of gentlemen, including Lord Kelvin, Sir Douglas Fox, Professor Silvanus Thompson, and many other eminent men who had great experience of inventions and patents. And, lastly, the London Chamber of Commerce had communicated with him through their representative, begging him to use his best endeavours to induce their Lordships to prevent the passing of this clause. He need not remind their Lordships that the London Chamber of Commerce was a very important body, and that they had a special connection with patents, and upon the strength of their suggestion he had ventured to place this Amendment before their Lordships. No ultimate injustice would be done, even if the clause were struck out, because the granting of the patent afterwards could be opposed, if it was desired to oppose it, on behalf of any aggrieved party. That was not touched by this clause, nor was the right to have a patent revoked hereafter if the aggrieved party desired to have it revoked. The object of the Amendment was only to prevent the Comptroller taking the tremendous responsibility of stopping on his own motion the granting of a patent.

Amendment moved—

"To leave out Clause 7."—(*The Marquess of Salisbury.*)

THE LORD CHANCELLOR: I feel confident that if the noble Marquess had been in the habit of considering patents and specifications, he would not have lent his ear to those who oppose this clause. Patents are monopolies granted by the State in order to benefit those who are real inventors; but there is a class of patents taken out which are show patents, and to which I refrain from attaching a still more serious epithet. They are patents which have been partly anticipated; they are not new at all, but previous specifications have, in the words of this clause, "wholly and specifically" claimed them. But there are poor people who cannot afford to fight those who have got a patent; and the consequence is that by means of these bogus patents those people who obtain them frighten those who are poor and who cannot contest with them in courts of law, and thereby they require them to take out licences and make some sort of payment rather than have a litigation. That is the plain fact. One of the purposes of this Bill is to put an end to practices which I will not stigmatise further than I have already described them—and I think that is a most meritorious object. This is what the clause says—

"Provided that the comptroller, if satisfied that the invention claimed has been wholly claimed or described in any specification to which the investigation has extended may, in lieu of requiring references to be made in the applicant's specification as aforesaid, refuse to grant a patent."

The noble Marquess is quite mistaken if he thinks there is much difficulty about that.

THE MARQUESS OF SALISBURY: I think there is.

THE LORD CHANCELLOR: I have had a great deal to do with specifications, and I do not think there is any difficulty in deciding whether there is ground for saying that an invention has been previously claimed. The whole thing is set out in print; you can see it at any time. But let me tell this to the noble Marquess: the Comptroller, himself a skilled official, has had the power of refusing patents since 1883 in cases where there has been opposition, and there is an appeal to the law officer. It is not the Comptroller alone, but there is an appeal to the law officer. I venture to think that nothing can be more desirable than to give an opportunity, in such obvious cases as these, of preventing what is really altogether an abuse of the system of patents for the sake of profit, and which has been a source of real complaint on the part of the trading classes.

THE MARQUESS OF SALISBURY said that, having been a law officer, no doubt the noble and learned Lord knew as well as he did that in any case where a patent was alleged to have been anticipated, and the Comptroller thought so, the patentee had to put on his own specification, in black and white, the other patents which were said to anticipate his, so as to give such notice to the public as to enable them to resist an unfair patent. That was under the Act of 1892. The noble and learned Lord had also forgotten to remind their Lordships that, unless he was very much mistaken—he spoke under correction—in the Report of the Royal Commission on this subject, on which the Lord Chief Justice sat, as well as other persons of great eminence on these subjects—Lord Justice Fletcher Moulton amongst others—it was definitely recommended that this power should not be given; and there was a specific recommendation of that Committee upon which the Act of 1892 was founded. The House had not had a real opportunity of dealing with this Bill. He had cut down his observations to a minimum; but the Bill was presented to their Lordships' House on the 22nd August with these new principles introduced. It ought to have come to their Lordships earlier in the session, and to have been sent to a Select Committee.

That would have been the proper proceeding, and he thought their Lordships were entitled to insist that a totally new clause should not be put into an Act of Parliament, to the prejudice of very great interests and in the teeth of a protest signed by such influential persons as he had mentioned, and by the Chamber of Commerce, without some better opportunity for consideration than had been afforded. If His Majesty's Government had treated their Lordships' House properly, and had sent the Bill in in proper time, it would then have been sent to a Select Committee; and not only would he not then have resisted it, but he would not even have dared to raise his voice, because then there would have been the Lord Chief Justice, Lord Avebury, Lord Collins, and others who knew very much more about the matter than he did, who at present were away on their holidays and therefore not able to take part in this discussion. He thought His Majesty's Government ought to give way.

THE LORD CHANCELLOR: I hope I have not said anything that can legitimately cause pain to the noble Marquess.

THE MARQUESS OF SALISBURY: Not at all.

THE LORD CHANCELLOR: The noble Marquess has said that this Bill ought to have come before your Lordships' House before. We all wish it had; and we all know the causes why it has not. I have had occasion to say before that until you alter the causes you will never be quite certain of being able to prevent these things happening. In regard to what the noble Marquess has said about the recommendation of the Committee, that is quite true. They thought the practice would be stopped by an additional sealing fee being put on. It has turned out, however, that the additional sealing fee has not had the effect of stopping these sham patents. In regard to the point about notice of previous patents, all that the noble Marquess says is perfectly true; but that has not prevented the abuses—because the point is that you have got a patent and, whatever the patent is, you prevent or terrorise poor people from using the old invention unless they are prepared to come to terms with you. The thing is wrong on the face of it; and no one has ever denied that the practice is carried on. I am quite satisfied that this is a fair thing to do, and I hope the noble Marquess will not press his Amendment.

On Question, Amendment negatived.

Clause 7 agreed to.

Clauses 8 and 9 agreed to.

Clause 10:—

THE EARL OF GRANARD: There are several Amendments standing in my name on this clause, but they are simply drafting Amendments rendered necessary in consequence of some inadvertence on the Report stage of the Bill.

THE MARQUESS OF SALISBURY: Why does the noble Earl strike out "wholly and specifically" in line 31?

THE EARL OF GRANARD: In answer to the noble Marquess, if "wholly and specifically" were allowed to remain in the clause, instead of widening its operation it would curtail it. I can give an example. If these words were allowed to remain it would not be possible for anybody to object to any part of an invention being taken.

Drafting Amendments agreed to.

Clause 10, as amended, agreed to.

Clauses 11 to 14 agreed to.

Clause 15:—

THE EARL OF GRANARD: As the clause stands at present, it will not come into operation until the expiration of a year from the commencement of this Act; that is to say, not until 1st January, 1909. The intention of this Amendment is that it should come into operation at the end of twelve months after the passing of the Bill. I may mention that the word "commencement" was accepted inadvertently in the House of Commons on the Report stage.

Amendment moved—

"In page 6, line 23, to leave out from the word 'patent' to the word 'of,' in line 26, and insert the words 'and not less than one year after the passing.'"—(*The Earl of Granard.*)

THE MARQUESS OF SALISBURY said that there was a difference of opinion between the noble Earl and himself as to the opening words of this Amendment as it stood, whether Clause 15 should apply to the question of patents granted before the commencement of this Act. He did not feel that their Lordships would care that he should raise that point at that hour of the night in a House not very numerously attended. It was a very important point, and, personally, he was very much astonished that His Majesty's Government had lent themselves to limiting the rights of the persons who had got their patents before the passage of this Act. It was a very strong measure; but he would not attempt to contest it at the present moment.

On Question, Amendment agreed to.

Drafting Amendments agreed to.

Clause 15, as amended, agreed to.

Clauses 16 to 22 agreed to.

Clause 23:—

THE EARL OF GRANARD: I beg to move to leave out the words "did not arise from any misconduct on the part of the patentee," and to insert the words "that no undue delay has occurred in making the application." We are of opinion that it is very improbable that omission would arise from any misconduct on the part of the patentee, and that what really should disqualify the application from obtaining restoration of the patent is undue delay in applying for such restoration.

Amendment moved—

"In page 10, lines 4 and 5, to leave out the words 'did not arise from any misconduct on the part of the patentee' and to insert the words 'that no undue delay has occurred in making the application.'"—(*The Earl of Granard.*)

THE MARQUESS OF SALISBURY: Who judges? The Comptroller?

THE EARL OF GRANARD: The Comptroller, yes.

On Question, Amendment agreed to.

Clause 23, as amended, agreed to.

Clause 24:—

Drafting Amendment agreed to.

THE LORD CHANCELLOR: The next Amendment is one that I move and it arises in this way. There is a provision that certain conditions to the sale of patented articles shall not be valid. I will tell your Lordships exactly the sort of thing that happens. People who live abroad, and take out patents in this country, do not work them in this country, but manufacture the patented articles in, say, America or anywhere they please, and then they sell the right to use the patent here, and they affix conditions—for instance, conditions that all the machinery for the purpose of making the patented articles shall be bought from them in America, and all sorts of other conditions of an oppressive kind. Thereby they use the patent, not merely for the legitimate protection of themselves, but for the purpose of either preventing people in the United Kingdom from making the patented articles, or of attaching all kinds of irrelevant and oppressive conditions to the permission to make them. That is thought to be unfair; and the consequence is that certain conditions are proscribed here, as, for example, to require the purchaser or the licensee to acquire from the seller or the licensor any article or articles not protected by the patent. I have just given an illustration of that with regard to buying machinery. Still it is necessary to keep as much freedom as is consistent with preventing abuse of the patent; and accordingly we propose, in accordance with a sort of undertaking given in the House of Commons, that this subsection shall not apply if the seller, lessor, or licensor proves that at the time the contract was entered into the purchaser, lessee, or licensee had the option of purchasing the article or obtaining a lease or licence on reasonable terms without such conditions, and also that the contract entitles him to relieve himself of the liability to observe any such condition on giving notice and paying compensation. That seems to be the best and fairest way of enabling reasonable conditions to be made, or enabling practically any conditions to be made, provided there is a free opportunity for each party to contract. It is a technical and somewhat difficult matter—but the object is to prevent the imposition of these absolutely preposterous conditions by persons who sell from abroad—or indeed in this country also—patented articles.

Amendment moved—

"In line 30, after the word 'policy,' to insert the words 'Provided that this subsection shall not apply if (i.) the seller, lessor, or licensor proves that at the time the contract was entered into the purchaser, lessee, or licensee had the option of purchasing the article or obtaining a lease or licence on reasonable terms, without such conditions as aforesaid; and (ii.) the contract entitles the purchaser, lessee, or licensee to relieve himself of his liability to observe any such condition on giving the other party three months notice in writing and on payment in compensation for such relief in the case of a purchase, of such reasonable sum, or in the case of a lease or licence of such reasonable rent on royalty for the residue of the term of the contract, as may be fixed by an arbitrator appointed by the Board of Trade.'"—(*The Lord Chancellor.*)

THE MARQUESS OF SALISBURY said he certainly did not rise in any way to contest the principle of this clause, but he thought the clause as it stood in the Bill went much too far. However, the Amendment proposed by His Majesty's Government was certainly a considerable concession. He wanted to be as brief as possible, but there were two points to which he would like to call the noble and learned Lord's attention. In the first place, there was the compensation mentioned in the second subsection. That compensation was said to be "such reasonable sum or such reasonable rent or royalty"—so that the word "reasonable" was attached to "compensation." If the noble and learned Lord would look at the second subsection the corresponding compensation had no such word as "reasonable" sum attached to it. Then, in the case of contracts made before the passing of this Act where the terms of the contract could be broken in return for compensation, the word appeared alone without the word "reasonable." Here again he considerably felt at a loss in discussing the matter with the noble and learned Lord, but he suggested to him that anybody seeing the section when it passed into an Act of Parliament would have their attention at once drawn to the point that the "compensation" mentioned in the first subsection was differently worded from the "compensation" mentioned in the second and third subsections.

THE LORD CHANCELLOR: I do not mind leaving out the word "reasonable"; I think that will cover it.

THE MARQUESS OF SALISBURY was obliged to the noble and learned Lord, but, were they to understand that the word "compensation" in this connection meant the full amount which the person who received the compensation had lost by the operation of the clause? It was not, he presumed, compensation such as might be thought sufficient by the official of the Board of Trade, whose business it was to make the Act work, but not to care so very much about justice to the parties. He did not mean to say that there were such persons at the Board of Trade, but it was a conceivable case. The compensation he wanted was full compensation corresponding to the loss to the individual whose contract was broken. Would he get the full value? He had a contract; the contract was broken; he lost by it; would the compensation correspond, so far as human ingenuity could make it, to his loss?

THE LORD CHANCELLOR: I will omit the word "reasonable" in both places. I do not think it either adds to or detracts from the value of the clause. With regard to the question which the noble Marquess put, he touched upon a very difficult subject, the measure of damages. What I think would be given would be what the arbitrator thinks, under the circumstances, it is fair to give, remembering what it is given for, namely, a man relieving himself of an obligation; he would have to compensate the other person whatever is fair.

THE MARQUESS OF SALISBURY: The same sort of damages as a jury would give?

THE LORD CHANCELLOR: Very much the same thing. In fixing damages, in nearly all cases you must consider what is reasonable, right and fair, and in this case you would have to compensate this person for the alteration in his position in consequence of notice having been given. That is the way it would be put to himself by the arbitrator; and I think it would be very difficult to go nearer to it. There is nothing that I know, either in the wording or the intention, to make any unfair limit.

THE MARQUESS OF SALISBURY: I think I must be satisfied with that. I should not have asked the noble and learned Lord the question but that there had been an observation by one of his colleagues in another place which led people to doubt what "full compensation" was intended to cover.

THE LORD CHANCELLOR: Those words were not before him.

THE MARQUESS OF SALISBURY said he could absolutely rely on what the noble and learned Lord had told him. There was just one other question he wanted to put with reference to the word "and." This was a much more important question. Should not the word be "or"? He thought they were entitled to some consideration from His Majesty's Government. After all, this was the case of two men wishing to make a contract; the two persons were perfectly free agents. It was not like the oppression by a rich man of a poor man, but it was a case of dealings between two business men, each of whom was perfectly capable of making a bargain. It was said that notwithstanding that hard terms were inserted. They could see that hard terms might be inserted in such a contract, and they accepted the principle of the Government clause, but, if it could be shown that there was a reasonable alternative given to these hard terms, then this restrictive clause should not apply. What were reasonable terms? Surely, if the seller could prove that the man with whom he was dealing could, in the alternative of those terms, have bought in the open market freely, that ought to be quite sufficient; or, if he could, on the other hand, show that he had offered the purchaser an arrangement which did not involve these restrictive terms, that ought to be perfectly sufficient. But why couple them both together? Why make the double condition? Surely, it was quite sufficient in the case of business men, who were perfectly able to make a bargain between themselves, to go as far as he had described, and to allow either of the alternatives. He begged to move, as an Amendment to the Amendment, to leave out the word "and" and insert the word "or."

Amendment moved to the proposed Amendment—

"To leave out the word 'and' at the end of Subsection (i.), and to insert the word 'or.'"—(*The Marquess of Salisbury.*)

THE LORD CHANCELLOR: I think if the noble Marquess will just look at the clause he will see that he cannot maintain that. He begins by admitting that there may be cases—in fact everybody knows there are numerous cases—in which these oppressive and unfair conditions are imposed upon persons who are not offered a fair alternative. If that is the case, would it be sufficient to say that that still may be imposed upon a person who is not offered a fair alternative if he is unable to get out of it by paying compensation? That is the effect of the noble Lord's Amendment; because either the first or the second limb of my proposed words would suffice to exclude the effect of the section. It is necessary, to my mind, in order to prevent the subsection applying, that there should be, in the first place, proof that the man could have got a licence on fair terms and, secondly, might have got out of it upon giving notice and paying compensation; and, if you say that he may still be oppressed if he got out of it by paying compensation, you put him to this alternative—that he is either to pay compensation in any event, or to pay compensation for getting out of what is unfair. That cannot be right.

On Question, original Amendment agreed to, with the omission of the word "reasonable" in lines 3 and 4.

Drafting Amendment agreed to.

LORD BALFOUR OF BURLEIGH, who had an Amendment in page 11, line 23, after the word "from" to insert the words "buying or," said that he did not desire to move the Amendment, because an Amendment inserted by the noble Lord in charge of the Bill met his point.

Drafting Amendments agreed to.

Cause 24, as amended, agreed to.

Clauses 25 and 26 agreed to.

Clause 27, with drafting Amendment, agreed to.

Clause 28 :—

THE MARQUESS OF SALISBURY, in moving to insert a proviso giving leave to appeal under certain conditions, said that he had been in communication with the Lord Chancellor upon this point, but, unfortunately, owing to the demands upon his Lordship's time, they were not able to bring their conversation to a conclusion. He had therefore put the Amendment upon the Paper, but he would not press it if the noble Lord did not wish him to do so. He thought, considering the enormous importance of the issues involved, and the very large sums of money in question, there ought to be some possibility of bringing these cases to the Superior Courts if the Court of Appeal should think it right. He knew that in all cases of revocation there was an appeal granted now, but there were cases which did not involve revocation but yet were very important, as, for example, the case of a petition under Clause 16 with regard to a compulsory licence. That might be a decision of very great importance. He would say nothing more, except that if the noble and learned Lord was willing to accept his Amendment he would take it on any terms he liked. It was a matter much more for the noble and learned Lord than for himself.

Amendments moved—

"In page 12, line 35, after the word 'and' to insert the words 'save as hereinafter provided.'"

"In line 39, after the word 'opposed' to insert the words 'unless the Court of Appeal shall give leave to appeal upon such condition as to costs or otherwise as they shall think just; provided that in considering any application for leave to appeal the Court of Apeal shall have regard to the interests involved in the proceedings and the financial position of the parties thereto.'"—(*The Marquess of Salisbury.*)

THE LORD CHANCELLOR: This is one of the sort of points on which I wish, so to speak, both ways. In appeals, you have always got to consider, in the first place, that it is very hard if the decision of one Judge produces unfairness or injustice. On the other hand, you have to remember that the rich man can kill the poor man by constant appeal. It is extremely difficult to draw the line between the two. I am quite certain that the noble Marquess and I have exactly the same purpose in view. Will he just look and see what things are unappealable—I mean unappealable to the Court? In the first place, decisions of the Comptroller under Clause 15—that is, for the revocation of patents outside the United Kingdom—when a man takes out a patent outside England and never works it in England, but merely uses it to prevent industry in England. There is no appeal if it is proved that the patent ought to be revoked for not being worked outside the United Kingdom; and I think that is a fair issue enough to leave to the one Judge.

THE MARQUESS OF SALISBURY thought there was an appeal under that, because it involved revocation.

THE LORD CHANCELLOR: The only appeals in which decisions would be final would be, in the first place, decisions under the Comptroller. They would not be appealable. The next are decisions under Clause 16, where the Judge gives a compulsory licence on the ground that the patentee takes out his patent in this country and works it wholly abroad, and will not allow anybody to work it in England at all—which is a usual rule. We give the Judge power to say: "You shall allow it to be worked in this country; it is an English patent, and we will not allow you to use it for the purpose of preventing British industry." There is no appeal against that, and I do not see that there is anything very hard in such a case. The next is the decision of the Judge under Clause 17. Clause 17 is a clause for merely extending the term of a patent from fourteen years to something further. There is no appeal against that, and there is no appeal against the decision of the Comptroller (and this is the last, I am glad to say) under Clause 23, that is in regard to lapsed patents being restored, After all, they are not really fighting points as to whether there has been infringement of the patent. It is only those four points which are unappealable. I will not say we are absolutely right, but it seems to me not unreasonable to say *finis litem* at an early stage.

THE MARQUESS OF SALISBURY thought that the noble and learned Lord —if he might say so with respect—put the point not quite fairly. It was quite true that it was in the eyes of a true born Britisher an outrage that a patent could not be worked in England, but that was not the appeal which would go to the Appeal Court. Somebody would have to decide what was the interpretation of being "Wholly or mainly manufactured in the United Kingdom." That must be a matter of the most immense intricacy—indeed, he could not attach any meaning at all to the word "mainly," but then he was not a lawyer. He could not conceive how it would be interpreted. It might be said that "mainly" meant that of all the articles in question the majority were made outside the United Kingdom. If that was the meaning of "mainly" then the clause would work a great hardship, but if it meant that of the supply in England the larger number had been made abroad that would not be so bad. But it seemed to him a word of the vaguest possible kind, and likely to lead to any amount of litigation. Taking Clause 16 he found that somebody would have to interpret what the words "manufactured to an adequate extent" meant. Was not that a wonderful word for an Act of Parliament? Who in the world knew what an "adequate extent" could be? And, again, there was the expression "supply on reasonable terms." He did not want to insist, but he did not think the noble and learned Lord ought to import any prejudice from the kind of subject which these clauses dealt with. No doubt they were designed to prevent injustice to British subjects, but that was no reason why they should put in an Act of Parliament very vague terms and then not allow any appeal to a proper tribunal to say what they meant.

THE LORD CHANCELLOR: I do not deny that there may be cases of hardship arising upon this or upon any other clause in any other Act of Parliament. It is a choice of evils—whether you will protract litigation or whether you will risk error now and then. I think we must draw the line somewhere.

THE MARQUESS OF SALISBURY: I do not press it.

Amendment, by leave, withdrawn.

Clauses 31 to 33 agreed to.

Clause 34, with consequential Amendment, agreed to.

Clauses 35 to 43 agreed to.

Clause 44, with consequential Amendment, agreed to.

Clause 45 agreed to.

Clause 46, with drafting Amendment, agreed to.

Clauses 47 to 49 agreed to.

After Clause 49:—

THE LORD CHANCELLOR: I move to insert a new clause, which is only for the purpose of applying to Scotland the expression "rules of the Supreme Court." It appears that my countrymen in Scotland have not been as diligent as they are reputed to be, and your Lordspips may be able to make them work, I hope, by putting in that this refers to Scotland.

Amendment moved—

"To insert the following new clause:—'The expression "rules of the Supreme Court" shall in this Act (except in Section 28) as applying to Scotland mean Act of Sederunt; and notwithstanding anything contained in the Patents, Designs, and Trade Marks Acts, 1883 to 1902, or in this Act, the expression "Court" in Section 16 and 17 of this Act shall, in reference to proceedings in Scotland thereunder, mean any Lord Ordinary of the Court of Session.'"—(*The Lord Chancellor.*)

LORD BALFOUR OF BURLEIGH said the Amendment sounded quite reasonable, but they would look at it when it was in print.

THE LORD CHANCELLOR: Before I put this clause the noble Lord has handed in an Amendment to Clause 48 relating to the Isle of Man. I will put that first.

On Question, Amendment agreed to

On Question, new clause after Clause 49 agreed to.

Clause 50, with drafting Amendment agreed to.

In the Schedule:—

Drafting Amendment agreed to.

Standing Committee negatived. The Report of Amendments to be received on Monday next, and Bill to be printed as amended. [No. 211].

PATENTS AND DESIGNS (CONSOLIDATION BILL).

House in Committee (according to Order).

THE EARL OF GRANARD: My Lords, I do not know whether it will be convenient to the House to move these Amendments altogether. They are all in conformity with the existing law. Would that meet with the wishes of noble Lords opposite?

THE MARQUESS OF SALISBURY said that, having regard to the way in which business was done, he did not think it mattered much.

Amendments moved *en bloc*, and agreed to.

Standing Committee negatived. The Report of Amendments to be received on Monday next.

OPIUM SHOPS AND DENS IN BRITISH CONCESSIONS AND SETTLEMENTS IN CHINA.

THE LORD BISHOP OF SOUTHWARK, who had given notice of his intention to ask the Under-Secretary for Foreign Affairs whether he could give any information as to the intentions of His Majesty's Government with regard to opium shops in the foreign quarters of towns in other parts of which these shops had been closed by the Chinese Government; and whether he could make any statement as to the instructions to be given to the British representative at the approaching international conference on the matter, said: My Lords, the Question I wish to put to the noble Lord the Under-Secretary for Foreign Affairs is not by way of criticism, but simply in order to obtain information. There has been certain anxiety caused by some notices in the Press with regard to the closing by the Chinese Government of the opium houses in some of the great towns—Shanghai, Canton, and Foochow—in which there are foreign settlements. It is understood that this has been carried out by the authority of the Government, and carried out as part of a reform movement which appears to have enlisted a great deal of public enthusiasm. The fear which has been suggested is that this may lead to a very large influx of opium smokers into the still more numerous opium houses of foreign settlements, causing probably great scandal and, perhaps, disorder. The question was asked in another place of the Foreign Secretary some few weeks ago. At that time the action which the Chinese Government was taking had not become plain. The Foreign Secretary said that he would ask for more information, and my desire now is to ask the noble Lord whether he can give us information as to what the municipal authorities in foreign settlements are likely to do, and whether the Foreign Office is able to exercise any influence, and intends to use its influence in any way. Then, in connection with that, it has been announced that there is to be an International Conference upon the opium question, and I wish to ask respectfully—though I am quite aware that the noble Lord may not be able to give me any information—whether he can say anything about the instructions that will be given to the British representative, especially with regard to this matter of the opium houses. I beg to put the question of which I have given notice.

THE UNDER-SECRETARY OF STATE FOR FOREIGN AFFAIRS (Lord FITZMAURICE): The right rev. Prelate has raised a very interesting matter by the question which he has asked, but at this very late hour of the evening I think your Lordships would probably prefer that I confined my reply, tempting as the subject-matter is, to what is strictly necessary in order to give the information asked for.

His Majesty's Minister at Pekin has been instructed that it is desirable that the municipal councils of all British concessions and settlements in China should be moved to close any opium shops or dens that may exist in them, subject to the proviso that effective measures have been previously taken by the Chinese authorities to close establishments of this nature outside the concessions. Of course what is actually done in each concession will depend upon the particular circumstances of the case.

We have not yet heard that China has given any formal assent to the proposal of the United States Government for inquiry by a Conference or Commission of the Powers chiefly interested, though we have expressed our readiness to take part in it. No British representative has in consequence yet been appointed, and the question of what instructions should be given to him has not yet been considered.

His Majesty's Government are in entire sympathy with the wish of the Chinese Government to diminish as much as possible the consumption of opium in China, and in order to give practical effect to this sympathy they have, after consulting the Government of India, informed the Chinese Government that:—(1) They accept in principle the proposal that the import of Indian opium into China shall be diminished by one-tenth annually, *pari passu* with an equal decrease in the production of the native drug, up to the year 1910, and they will continue to reduce at the same rate the export in 1911 and subsequent years, on proof that China has carried out its share of the arrangement; (2) They have informed the Chinese Government that they have no objection to a Chinese official being stationed at Calcutta, provided that he has no direct powers of interference with Customs arrangements. That is a matter to which the Indian Government attached great importance. (3) His Majesty's Government have informed the Chinese Government that they are prepared to assent to such enhancement of the Customs and *likin* duty on foreign opium as will make its taxation in China equivalent to the taxation actually levied on native opium, differences in relative value and quality being taken into consideration. Steps have been taken to reduce the area of poppy cultivation in Bengal, which in the five years preceding 1906–1907 averaged 615,000 acres, and in 1907–1908 is not to exceed 562,000 acres. In 1907 the number of chests of Bengal opium fixed for sale was originally 4,400 a month. This has now been reduced to 4,000 a month, while for 1908 it has been fixed at 3,900 a month. Further reductions will be fixed in succeeding years if the proposed arrangement with the Chinese Government becomes operative.

I hope that information, so far as it goes, will be satisfactory to the right rev. Prelate.

THE LORD BISHOP OF SOUTHWARK: I am extremely obliged to the noble Lord.

PUBLIC HEALTH (REGULATIONS AS TO FOOD) BILL.

House in Committee (according to order).

Clause 1 :—

*LORD ALLENDALE : I beg to move in page 1, line 21, after the word "intended" to insert the words "for sale." This is only a consequential Amendment which has been omitted inadvertently. Clause 1 of the Bill enables regulations to be made by the Local Government Board as to the importation, preparation, storage and distribution of articles of food intended for sale for human consumption. The words "for sale' were inserted in the House of Commons a few lines higher up to make it clear that it was only intended to apply to food intended for sale and not to food in private houses. The words in the Amendment are consequential on the alteration thus made.

Amendment moved—

'In page 1, line 24, after the word 'intended' to insert the words 'for sale.'"—(*Lord Allendale.*)

On Question, Amendment agreed to.

Standing Committee negatived.

Then (Standing Order No. XXXIX. having been suspended); Amendment reported. Bill read 3^a with the Amendment, and passed, and returned to the Commons.

EDUCATION (ADMINISTRATIVE PROVISIONS) BILL.

Bill read 3^a (according to order) and passed.

JUDICATURE (IRELAND) BILL.

Bill read 3^a (according to order) and passed.

EVICTED TENANTS (IRELAND) BILL.

Report from the Committee of the reasons to be offered to the Commons for the Lords insisting on certain of their Amendments and disagreeing to certain of the Commons Amendments ; read, and agreed to ; and a message sent to the Commons to return the Bill with the Lords Amendments to the Commons Amendments ; and reasons for insisting on certain of their own Amendments, and for disagreeing to certain of the Commons Amendments.

ADJOURNMENT.

THE EARL OF CREWE : I beg to move that the House do now adjourn till Twelve o'clock noon.

House adjourned at a quarter past One o'clock, a.m., till Twelve o'clock noon.

HOUSE OF COMMONS.

Friday, 23*rd August*, 1907.

The House met at Twelve noon of the Clock.

ADJOURNMENT.

Resolved, That this House at its rising, this day do adjourn till Monday next.—(*Mr. Whiteley.*)

PRIVATE BILL BUSINESS.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 11) BILL (BY ORDER).

Lords Amendments considered, and agreed to.

PETITION.

WEEKLY REST-DAY BILL.

Petition from London and other places, in favour ; to lie upon the Table.

RETURNS, REPORTS, ETC.

EDUCATION (ENGLAND AND WALES) (SMALL SCHOOLS).

Return [presented 22nd August] to be printed. [No. 330.]

STATISTICAL ABSTRACT (FOREIGN COUNTRIES).

Copy presented, of Statistical Abstract for the principal and other Foreign

Countries in each year from 1895 to 1904–5 (Thirty-third Number) [by Command]; to lie upon the Table.

RAILWAYS (FOREIGN COUNTRIES AND BRITISH POSSESSIONS).

Return presented, relative thereto [ordered 13th November, 1906; *Mr. Chiozza Money*]; to lie upon the Table, and to be printed. [No. 331.]

SUGAR.

Return presented, relative thereto [ordered 15th July; *Mr. Pike Pease*]; to lie upon the Table, and to be printed. [No. 332.]

MANUFACTURED GOODS, EXPORTED AND IMPORTED (UNITED KINGDOM AND GERMANY, 1882–1906.

Return presented, relative thereto [ordered 31st July; *Mr. Bonar Law*]; to lie upon the Table, and to be printed. [No. 333.]

SUGAR.

Return presented, relative thereto [ordered 22nd July; *Mr. Mitchell-Thomson*]; to lie upon the Table, and to be printed. [No. 334.]

RAILWAYS IN BRITISH PROTECTORATES, LEASED TERRITORIES AND COLONIES (OTHER THAN THE TRANSVAAL AND ORANGE RIVER COLONY) NOT POSSESSING RESPONSIBLE INSTITUTIONS.

Return presented, relative thereto [Address 2nd July, 1906; *Mr. Walker*]; to lie upon the Table.

GLEBE LANDS (SALES).

Return presented, relative thereto [ordered 1st July; *Sir Walter Foster*]; to lie upon the Table, and to be printed. [No. 335.]

EAST INDIA (ADVISORY AND LEGISLATIVE COUNCILS, ETC.

Copy presented, of Papers relating to an Imperial Advisory Council and Provincial Advisory Councils; the enlargement of the Legislative Councils; and the discussion of the Budgets [by Command]; to lie upon the Table.

TREATY SERIES (No. 25, 1907.)

Copy presented, of Treaty between the United Kingdom and Panama for the Mutual Surrender of Fugitive Criminals signed at Panama, 25th August, 1906, (Ratifications exchanged at Panama, 15th April, 1907) [by Command]; to lie upon the Table.

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

Irish Postmasterships.

MR. FIELD (Dublin, St. Patrick): To ask the Postmaster-General whether, seeing that postmasterships in London are not open to the staff of the whole of the United Kingdom, but are practically confined to London officials, he will explain why postmasterships in Ireland are not confined to officials serving in Ireland; and will he say in what respects there is a greater difference between postmasterships in London and in Scotland, for example, than there is between postmasterships in Ireland and in Scotland.

(*Answered by Mr. Sydney Buxton.*) As already explained to the hon. Member the position of postmasters in London is dissimilar to that of postmasters elsewhere. The former are an integral part of the London postal service, and they would more properly, perhaps, be described as chief superintendents. Provincial postmasterships, whether in Ireland, Scotland, England, or Wales, are staff appointments open to the staff throughout the whole of the United Kingdom, and it would not be beneficial, either to the service or to the staff, to confine them to officials serving in any particular part of the Kingdom.

Postal Facilities at Ardglass.

MR. J. MACVEAGH (Down, S.): To ask the Postmaster-General whether he is aware that letters arriving at Downpatrick at 10.32 a.m. are not delivered at Ardglass till 4.30, and that letters for the English mail must be posted at Ardglass at 8 a.m., whereas the mail leaves Downpatrick at 3 p.m.; whether arrangements can be made with the Belfast and County Down Railway to have the English mail letters delivered at Ardglass at 12.20 a.m., and letters for the English mail outward despatched from Ardglass at 2.20 o'clock; and whether sufficient remuneration is now paid to the postman delivering letters twice daily in Ardglass, the delivery occupying about five hours.

Mr. J. MACVEAGH: To ask the Postmaster-General whether, as there are four deliveries of letters daily in Strangford and only two deliveries of letters in the town of Ardglass, with the result that the inhabitants, seaside visitors, and some 500 fishermen are put to grave inconvenience and expense in replying to urgent letters by telegrams, or by mailing their replies by train, he will inquire whether the arrangements at Ardglass can be improved; and whether representations have been made asking for a letter-box to be erected at the junction between High Street and Hill Street, Ardglass, and another box to be erected at Coneyisland, half way between Killough and Ardglass.

(*Answered by Mr. Sydney Buxton.*) I have called for reports on both these Questions, and on receiving them I will send the hon. Member a reply.

Appointment to Sub-Postmastership of Buttevant, Mallow.

Mr. FIELD: To ask the Postmaster-General whether Mr. E. Green, late sub-postmaster of Water Street, Manchester, was recently transferred or promoted to the salaried sub-postmastership of Buttevant, Mallow; what was the number of applicants in Ireland for this post; and will he state the length of Mr. Green's established service in the Post Office, the length of established service of the senior recommended candidate in Ireland, and the respective annual emoluments in Water Street, Manchester, and in Buttevant.

(*Answered by Mr. Sydney Buxton.*) Mr. Green, late sub-postmaster of Water Street, Manchester, was recently appointed sub-postmaster of Buttevant. The net emoluments of Water Street, Manchester, were about £90 a year, and at Buttevant the salary is £100 a year. It is not the practice to publish the other particulars asked for by the hon. Member.

Transfer of Irish Savings Bank Work to Dublin.

Mr. FIELD: To ask the Postmaster-General whether, seeing that the late Government would have transferred the Irish Savings Bank work from London to Dublin, he will now say why the Irish Savings Bank accounts are still kept in London.

Mr. FIELD: To ask the Postmaster-General whether, seeing that a number of Post Office Savings Bank women clerks were asked, some time before the present Government came into office, whether they would serve in Dublin, and that the annual number of vacancies in the clerical staff of women clerks in Dublin does not amount to more than one or two, he will say how many of such clerks were so asked and what was the reason for asking them.

Mr. FIELD: To ask the Postmaster-General whether, notwithstanding official denials, numbers of complaints are received every quarter from depositors in Ireland in respect to the inconvenience caused to them by the rule which requires that their deposit books shall be sent to London on each occasion of a withdrawal on demand; and whether he will now give the approximate quarterly average number of such complaints.

(*Answered by Mr. Sydney Buxton.*) I am sorry that I can add nothing to the replies which I have given to my hon. friend's previous Questions upon this subject.

Irish Postal Stores.

Mr. FIELD: To ask the Postmaster-General whether he could state the estimated annual value of stores used by all branches of the Post Office in Ireland; the estimated value of the stores for which contractors are required to tender for delivery in Ireland; whether, before deciding that deliveries of Irish supplies should be made in London instead of Ireland, account is taken of the extra freight and handling involved by delivery in London; whether he could state where Irish manufacturers, desirous of tendering for such stores as bicycles, tools, cloth and trimming for uniform, nails and screws, paints, and oils, can inspect patterns and ascertain particulars; and whether the Irish Secretary is consulted before it is decided to draw supplies from London instead of obtaining them in Ireland.

(*Answered by Mr. Sydney Buxton.*) The annual value of stores used by all branches of the Post Office in Ireland is roughly estimated at £73,000. The estimated annual value of the stores which contractors, including the Prison Commissioners, are required to deliver in Ireland is £13,500. These estimates do not include stationery, etc., supplied by the Stationery Office, and domestic stores, etc., supplied by the Office of Works. Account is taken of freight and handling charges before contracts are placed. Whenever patterns are exhibited by the Department, arrangements can be made for exhibition in Dublin, and full information can always be obtained from the Controller of Stores in London or his representative in Dublin. The Secretary to the Post Office in Ireland is consulted whenever it appears that any useful purpose may be served thereby.

Audit Department Officials and Political Influence.

MR. FIELD: To ask the Secretary to the Treasury whether, seeing that the positions of Comptroller and Auditor-General (£2,000 per annum) and Assistant Comptroller and Auditor (£1,500 per annum) are political appointments in the gift of the Crown, he will explain the circumstances under which the Comptroller and Auditor-General and the Assistant Comptroller and Auditor recently considered it expedient to draw the attention of their subordinates, a considerable number of whom have only small rates of pay, to an office rule forbidding the use of political influence by such subordinates.

(*Answered by Mr. Runciman.*) I have already dealt with this matter in previous replies to the hon. Member.

Unpaid Old Transvaal Loan.

MR. FIELD: To ask the Secretary to the Treasury whether he will now make further inquiries from the National Debt Office and the Exchequer and Audit Department regarding the sum of £1,800,000 Old Transvaal Loan which is as yet unpaid and which has been allowed to remain outstanding; and will he explain the circumstances under which this money has been allowed to remain outstanding, and what he now proposes to do in this matter.

(*Answered by Mr. Runciman.*) The hon. Member has been misinformed. The old debt of the Transvaal was redeemed out of the first guaranteed loan, and there is no sum outstanding.

Secret Commissions in Naval Clothing Depot.

MR. FIELD: To ask the Secretary to the Admiralty what punishment was inflicted on the contractor and four stewards who admitted a secret commission of 5 per cent. on all clothing supplied and examined in one of the naval depots; what steps have been taken to discover and punish the other officials implicated in this business; and what steps have been taken to discover and punish the other contractors and stewards who, on the statements of these four stewards and contractors, were guilty of the same practices.

(*Answered by Mr. Lambert.*) As regards the contractors implicated, their contract was cancelled, their names struck off the Admiralty list, and particulars of their offence communicated to other buying departments of the Government. The question of taking criminal or civil proceedings against them was very carefully considered, but on the advice of the Public Prosecutor it was decided not to do so. As regards the four stewards who had already left the service, payment of their pensions was stopped for a period of twelve months. There was no evidence in this case to implicate other officials, nor was their any definite information to show that other contractors or stewards had been guilty of the same practices.

Garforth Parochial School.

MR. CARLILE (Hertfordshire, St. Albans): To ask the President of the Board of Education how many children there are on the books of the Garforth parochial school in Standards III. to VI., inclusive; what is the accommodation in the Garforth Council provided school; and what is the number of children of all standards on the books of the Garforth Council provided school.

(*Answered by Mr. McKenna.*) The Answer to the first paragraph is 113 on 21st June, the latest date for which figures are available; to the second, 240; to the third, 143 for the month of July.

Merionethshire School Teachers' Salaries.

LORD BALCARRES (Lancashire, Chorley): To ask the President of the Board of Education on what date the Board wrote to the local education authority of Merionethshire asking about the correctness of the claims of repayment of teachers' salaries advanced by the managers of certain non-provided schools; and what reply has been received.

(*Answered by Mr. McKenna.*) The Board wrote on the 17th instant to the local education authority. The authority replied in letters received to-day that in the case of two of the schools the instalments of salaries are correctly stated by the managers, whilst in the case of the other two schools the salaries of three of the teachers are not quite correctly stated.

Medical Inspection of School Children.

SIR W. J. COLLINS (St Pancras, W.): To ask the President of the Board of Education whether under the Education (Aministrative Provisions) Bill there is any obligation on parents to submit children attending public elementary schools to medical inspection, as well as an obligation upon local education authorities to provide for such medical inspection.

(*Answered by Mr. McKenna.*) In the view of the Board the obligation placed by the Bill upon the authority to provide for inspection does not of itself compel a parent to submit his child to inspection.

Indian Civil Service Examiners.

MR. C. J. O'DONNELL (Newington, Walworth): To ask the Secretary of State for India how many of the examiners at the examinations for appointments in the Civil Service held in 1904, 1905, and 1906 were professors or fellows of the Universities of Oxford, Cambridge, Dublin, and Edinburgh.

(*Answered by Mr. Secretary Morley.*) The following table which has been supplied me by the Civil Service Commissioners gives the information desired by the hon. Member—

	1904.	1905.	1906.
Oxford - - - - - -	10	12	12
Cambridge - - - - - -	11	6	10
Dublin - - - - - -	2	1	1
Edinburgh - - - - - -	2	3	1
Others - - - - - -	30	30	36

I may add that the names of the gentlemen employed by the Commissioners from time to time to assist them in their examinations are published in the Annual Reports of the Commissioners.

Survey of Road between Cahersivane and Cloughvoola.

MR. BOLAND (Kerry, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland can he state when the Congested Districts Board intend to carry out the undertaking given by them several months ago to make a survey of the proposed road between Cahersivane and Cloughvoola, in the barony of Iveragh, county Kerry.

(*Answered by Mr. Birrell.*) The Board's engineer anticipates that he will be able to inspect the route of the proposed road in the course of next month.

Purchase of the Freeman Estate, County Cavan.

MR. SAMUEL YOUNG (Cavan, E.): To ask the Secretary to the Lord-Lieutenant of Ireland whether the Estates Commissioners have acquired, in Judge Ross's Court, the Freeman estate, at Virginia, county Cavan; and, if so, when and for what amount; whether the receiver has conveyed to the tenants the terms of purchase; whether the untenanted land has been or will be acquired, in view of the fact that many of the tenants are very poor and stand in need of economic holdings; and whether the turbary on the untenanted land will be made available for the tenants.

(*Answered by Mr. Birrell.*) The Estates Commissioners have made an offer to purchase this estate, and the Land Judge has signified his willingness to accept the offer, subject to the tenants signing the necessary undertakings to purchase their holdings at the prices estimated by the Commissioners. It is understood that these prices have been communicated to the tenants, who have so far refused to give them. The untenanted land, on which the turbary is situate, was sold long since and has been vested in the purchaser.

Repayment of Loan on Portmagee Waterworks Scheme.

MR. BOLAND: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that the Local Government Board has charged the electoral division with the expense of the Portmagee waterworks, whilst in the case of Caherciveen waterworks, in the same district council area, the charge has been made a union charge, and can he explain why in the case of Portmagee the money is payable in twenty years at 7 per cent., whereas in the case of Caherciveen it is payable in fifty years at 3¾ per cent., and whether, seeing that the rural district council has applied for an extension of time, from twenty to fifty years, for repayment as regards the Portmagee scheme, he will see that equal treatment is given to these two schemes.

(*Answered by Mr. Birrell.*) The Local Government Board have made orders fixing the district electoral division as the area of charge for the Portmagee waterworks, and the rural district as the area of charge for the Caherciveen waterworks. In the former case the rural council would only agree to the district electoral division as the area of charge, and the resolution of the council requesting the Board to fix this area was proposed by the councillor representing the electoral division. A large proportion of the expenditure had been guaranteed from outside sources and, as the amount falling on the rates would not in consequence press unduly on the ratepayers in the electoral division, the Board did not feel warranted in withholding their approval of the area desired by the local authority. In the Caherciveen case the area was fixed as the rural district, with the consent of the rural district council. The loan for the Portmagee waterworks is repayable in twenty years with interest at 3½ per cent. per annum, and the period for repayment for the Caherciveen scheme is thirty years, and the interest 3¾ per cent. The periods in both cases were fixed by the Board after due consideration of the character and durability of the works. No application has been made to the Board for extension of the period in the Portmagee case.

Mr. Peter Roe and Purchase of Land at Curraghmore.

MR. DELANY (Queen's County, Ossory): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that Mr. Peter Roe, who holds a farm of 180 acres of untenanted land on the eleven months system upon the White estate at Curraghmore, Borris-in-Ossory, Queen's County, seeks to become purchaser under the Act of 1903; and, in view of the fact that Mr. Roe is in possession of 700 acres of land, and that there are deserving persons in the locality who claim portion of the Curraghmore farm, will he see that the sale to Mr. Roe is not sanctioned.

MR. DELANY: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Estates Commissioners have received a resolution passed by the Borris-in Ossory branch of the United Irish League relative to the proposed sale of the estate of Mr. Robert V. White, situate at Skierk and Curraghmore, Borris-in-Ossory, Queen's County, pointing out that there is untenanted land amounting to 700 acres on the estate, and that the eleven months graziers, with the approval of the landlord, have applied to become purchasers of same; will he state whether a memorial has been received from the parish priest of Borris-in-Ossory enclosing a list of parties eligible under the Land Act, 1903, for portion of this untenanted land; and can he say what course the Commissioners propose to adopt in this matter.

(*Answered by Mr. Birrell.*) The Estates Commissioners inform me that, up to the present, proceedings for the sale of the estate mentioned in these two Questions have not been instituted before them. The Commissioners, however, have received the resolution and memorial referred to, and will duly consider the alleged matter of fact when the estate comes before them to be dealt with.

Mr. Frend's Farm at Ballinamona.

MR. WILLIAM ABRAHAM (Cork County, N.E.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he will give the date on which Mr. Henry Frend became tenant of the farm of Ballinamona, on the Kingston Estate, Mitchelstown, from which farm Mr. Thomas Kent was evicted, and what is the description of the letting to Mr. Frend; if the evicted tenant has made an application to the Estates Commissioners for reinstatement; and whether he will arrange that the tenancy created by or for Mr. Frend himself, the agent of the Kingston Estate, will not be permitted to stand in the way of the reinstatement of Mr. Kent in his old holding.

(*Answered by Mr. Birrell.*) Proceedings have not been instituted before the Estates Commissioners for the sale of the holding in respect of which Thomas Kent has lodged an application for reinstatement. The Commissioners are, therefore, not in a position to give particulars as regards the interest of the present occupier.

Repayment to Debenture Holders in County Fermanagh under the Charitable Loan Funds Act.

MR. FETHERSTONHAUGH (Fermanagh, N.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland is he aware that, though the proceedings under the Charitable Loan Funds Act of 1906 have caused much distress among the unfortunate borrowers in county Fermanagh, very little progress has been made in payment of debenture holders; and will he urge upon the Loan Fund Board the importance of prompt payment to the many debenture holders who are in many cases in want owing to non-payment of the debentures.

(*Answered by Mr. Birrell.*) The Loan Fund Board inform me that they are fully alive to the importance of prompt payment to the debenture holders referred to, but the several collections are necessarily proceeding slowly, and many difficulties are being experienced by the receivers. In some cases the magistrates, when giving decrees against borrowers have stipulated that the amount shall be paid by instalments spread over a considerable time. The Board have reason to anticipate that, in many of the cases, the sum which will eventually be available for distribution will be but a small one.

Grievances of Royal Irish Constabulary.

MR. SLOAN (Belfast, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he can say when and by what means he proposes to inquire into the grievances of the Royal Irish Constabulary.

(*Answered by Mr. Birrell.*) This matter is under consideration, but I am not at present in a position to make any statement in reference to it.

Sale of Fitzmaurice Estate, North Kerry.

MR. FLAVIN (Kerry, N.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Fitzmaurice estate, at Duagh, North Kerry, which is in a congested district, has yet been offered for sale to the Congested Districts Board; and, if so, with what result.

(*Answered by Mr. Birrell.*) This estate has not been formally offered for sale to the Congested Districts Board. The Board, however, have had some correspondence on the subject with the agent but have not been furnished with the particulars which they require in order to consider whether the estate would be suitable for their purposes.

Sale of Estate of Mr. T. W. Sands, North Kerry.

MR. FLAVIN: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he can state when the agreements signed by the tenants on the estate of Mr. T. W. Sands, situate near Tarbert, North Kerry, were lodged by the landlord with the Estates Commissioners; whether the sale has yet been sanctioned; and, if not, when will it be completed.

(*Answered by Mr. Birrell.*) Purchase agreements for the sale of this estate were lodged with the Estates Commissioners in August, 1905, and the case will be dealt with in its proper order of priority. Other applications of prior date remain to be dealt with, and the Commissioners are not at present in a position to say when the proper turn of this particular estate will be reached.

Application of Michael Scully for Cottage.

MR. SHEEHAN (Cork County, Mid.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether a representation for a cottage and allotment on the lands of Michael Nugent, rural district councillor, was received by the Carrick-on-Suir (No. 2) District Council from a labourer named Michael Scully, of Tinhalla; was this representation passed by the district council but transferred by the sites committee, of which Michael Nugent was a member, from the latter's farm to the holding of a brother district councillor named William Hearne; was this transfer effected on the recommendation of the sites committee as a whole or on the sole initiative and responsibility of Michael Nugent; has there been friction at the meetings of the district council over Scully's application and the shifting of sites: have the council as a result now thrown out this man's representation, although it was originally approved of by them: and will he say whether, having regard to all the circumstances, the Local Government Board inspector will inquire at the local inquiry with a view to restoring Scully's representation to the improvement scheme.

(*Answered by Mr. Birrell.*) A representation on behalf of the labourer in the Question, for a cottage and allotment on the land of Michael Nugent, was passed by the rural district council and referred by them to the local sites committee with a view to their selecting the particular site on Nugent's farm on which the cottage should be built. The committee, however, did not mark out any site on Nugent's farm, and when the committee's report came before the district council the council decided to reject the case, possibly in order not to delay the whole scheme. The Local Government Board have no information as to the other matters referred to in the Question. As regards the concluding portion of the Question I must refer to the reply which the Attorney-General for Ireland gave on my behalf to the hon. Member's Question of the 11th July.

Infantry Officers' Chargers.

CAPTAIN CRAIG (Down, E.): To ask the Secretary of State for War whether he is aware of the hardship occasioned to infantry officers who have to be mounted on parade, by the terms of the circular memorandum issued on the 24th July last regarding forage, calling attention to King's Regulation 903, and Allowance Regulations 151 and 606; and whether he will consider the necessity for the strict enforcement of these regulations in promoting economy, in view of the fact that many officers are able to provide chargers at their own expense for regimental duty as well as private use so long as they draw forage in money or in kind.

(*Answered by Mr. Secretary Haldane.*) In order to reduce officers' expenses, it was decided in 1902 to supply chargers at the public expense to all regimental mounted officers, and to allow them to use these chargers for private as well as military purpo es on payment of £10 a year, the horse so used becoming the officer's property after six consecutive annual payments at home and after four such payments abroad. At the same time it was laid down in King's Regulations that officers were to ride these chargers on parade, except in the case of private horses in their possession prior to January, 1903; and it was further laid down in Allowance Regulations that forage could only be drawn for public horses supplied for military or general purposes, or for private horses in possession prior to January, 1903. If the above rules were relaxed, the object of supplying horses at the public expense would be defeated, and I may add that no complaints of the working of the present system have reached the War Office. No circular memorandum on this subject was issued by the War Office on the date mentioned in the Question.

Planning of Volunteer Camps at West Tarring, Worthing.

MR. CLELAND (Glasgow, Bridgeton): To ask the Secretary of State for War whether he has yet received the Report called for from the General Officer Commander-in-Chief upon the planning of the recent Volunteer camps at West

Tarring, Worthing; and, if so, what action, if any, he proposes to take.

(*Answered by Mr. Secretary Haldane.*) It is untrue that a mistake was made in siting the camp at West Tarring. The camp was planned from an Ordnance map corrected up to date in 1905, and checked on the ground by officers on the Brigadiers' staff. The camping ground was quite clear of any houses except one newly erected villa to the occupants of which no possible inconvenience could have been caused. No complaints of any sort were received.

MERCHANT SHIPPING (TONNAGE DEDUCTION FOR PROPELLING POWER) BILL.

Lords Amendments to be considered upon Monday next, and to be printed. [Bill 330.]

PUBLIC ACCOUNTS COMMITTEE.

*MR. VICTOR CAVENDISH (Derbyshire, W.) moved that the three Reports of the Public Accounts Committee be now taken into consideration. He said he wished to thank the Government for affording them an opportunity of discussing the Reports. It was the opinion on all sides of the House that some discussion on the Reports would be of considerable value not only to the House but to the Departments concerned. He hoped that the precedent set by the Leader of the Opposition when he was responsible for the business of the House would always be followed and that an opportunity for discussing the Reports would become a permanent feature in their financial procedure. In the Reports the Committee had endeavoured to give a clear and comprehensive account of all matters which they had dealt with, and he would therefore confine his remarks to matters of principle rather than of detail. The Committee had done its best in an extremely arduous session to deal with an immense number of subjects. The Committee had sat on a greater number of days than ever before. He wished to thank colleagues for the support and consideration they had given him, especially in the somewhat peculiar position he was holding, for the accounts they had considered in the last two years referred mainly to matters for which the late Government was responsible and in which he himself was personally concerned. He reminded the House that although he did not enter into all the details mentioned in the Reports, these details would not entirely disappear from view, because in some cases they would be the subject later on of Treasury Minutes in connection with the various Departments, and when the Committee met again next year there would be an opportunity of seeing how far the recommendations of the Committee had been carried out. In paragraph 15 of the second Report there was a statement that a disallowance which was recommended by the Committee last year had been carried out, and that a sum of money had been placed in the Estimates this year by which the Suspense Account had been wiped out. The first question to which he wished to direct attention was that referred to in the second paragraph of the first Report, namely, appropriations in aid. This matter had already been before the House in one form or another, and he did not propose to go into it at any length. If irregularity had been committed it was an irregularity for which several Chancellors of the Exchequer had been jointly responsible. It was one which certainly required to be adjusted. He thought the House had reason to be grateful for the line which the Government had taken in having the necessary alteration made in the Appropriation Bill. The result would be that the practice which had been in operation for several years would be discontinued, and that the new method would be regular and thoroughly in order. He was confident, however, that the expression the Committee used in their Report, that the total expenditure authorised by Parliament had in no case been exceeded, was strictly correct. He wished to take this opportunity of thanking the Chancellor of the Exchequer for having submitted to them the draft of the Amendment to the Appropriation Bill before it was embodied in the Bill. He did not know whether there was any precedent for that, but it was thoroughly in accordance with the spirit of the relationship existing between the Administration of the day and the Public Accounts Committee that such proposals should be placed before them. The next question to which he wished to direct attention was possibly the most important of all the questions which the Committee had had before them. It would be found in the second paragraph of the second Report, dealing with the variations between the forecasts of expenditure and the actual outcome. In paragraph 2 of this Report they stated that "the surplus, which would have been larger by £245,000 but for the additional expenditure sanctioned by the Treasury on the rearmament of the artillery, is nearly twice as large as any that has occurred in Army Votes for the last twenty years, and is considerably in excess of the surplus on the combined Votes of the Navy and Civil Services and Revenue Departments in the year under review, where an expenditure of £82,000,000 was involved." In dealing with this question, he hoped the House would keep in view the evidence which was given by the Accountant-General of the Army. It would be admitted on all sides that the state of affairs disclosed in that paragraph was far from satisfactory. This matter had been the subject of correspondence between the War Office and the Treasury, and he would like to remind the House that necessarily there must be a considerable amount of difficulty before the new organisation of the War Office could be fully effected. This represented almost the first year of the new system which was the result of the Esher Committee. He ventured to suggest to the House that they should not endeavour to blame any of those who might seem to have been responsible for what had occurred, and that they should rather endeavour to find a system by which these discrepancies could be avoided in future. He was bound to confess, from the evidence of the Accountant-General of the Army, that he was afraid the outlook was by no means promising. One of the Reports of the Committee contained the following statement on that subject—

> "As regards the future, they are without assurance that a more satisfactory result may be expected. For it has been explained to them that the military directors (who now frame Estimates and control the progress of expenditure) 'are transient officers who come to their post with very expensive notions, and only get to know their work thoroughly by the time they have got to go;' and that, as was admitted by the representatives of the War Office, the financial shortcomings now under notice may be repeated again, possibly periodically."

*The FINANCIAL SECRETARY to the WAR OFFICE (Mr. Buchanan, Perthshire, E.) said that in referring to War Office finance it would only be fair that the right hon. Member should give the opinion of the Accountant-General as expressed in his evidence in chief in answer to Question 3225.

The Accountant-General said—

> "I should like to say, and I think I am voicing the whole civil side of the office when I say, that it is extraordinary how hard these men have worked and how well they have succeeded in the difficult positions which they occupy, and what an extraordinarily economical spirit they have shown."

*Mr. VICTOR CAVENDISH said it was quite fair that that side of the case should be considered also. They were not now dealing with individuals but with the system under which they were appointed. The Committee admitted that there had been difficulties, but what they were anxious to do was, instead of imputing blame for what had occurred, to endeavour to see that these difficulties did not occur in future. He reminded the House that the Estimates for the Navy and Army had necessarily been prepared in November or December in one year for the year ending 31st March, not of the following year, but of the year following that. Therefore, those responsible for drawing up the Estimates a considerable time prior to the time when the actual expenditure would take place made provision on the safe side, with the view of avoiding the necessity for Supplementary Estimates. The Public Accounts Committee, in approaching this question, were fully aware of the difficulties in which the War Office were placed, but the importance of the matter could not be over-estimated. Every effort should be made to arrive at as accurate a forecast as possible.

The next point was one which concerned both the War Office and the Admiralty, and was connected with the question of pensions and gratuities for wounds. In their previous year's Report the Committee called attention to this matter in the following paragraph—

> "Your Committee have ascertained that under existing regulations 'wound pensions' can be drawn by officers who are able to resume military duty and to earn full pay. Exception has been taken by the Treasury to the continuance of this practice on the ground

(1) That it constitutes a class distinction, seeing that the ordinary soldier does not participate in this benefit. (2) That it contravenes the practice in civil life, where no compensation is given for injuries which do not impair earning power. While recognising that on retirement from service the permanent effects of a wound or injury may warrant increased rates of retired pay both for officers and non-commissioned officers and men, your Committee are of opinion that the above practice of issuing wound pensions concurrently with full pay should cease, and that when an officer has recovered, and can resume military duty, no further grant should be made to him in respect of his injury until he retires from the service."

Further evidence was taken on the subject this year. The Committee were informed by the Admiralty and the War Office that they were unable to concur in the recommendation which had been made. He was bound to state on behalf of the Committee that, in view of the evidence which they had received and the correspondence which had taken place, they had not been induced to alter the opinion they expressed in their Report last year. Certainly there was no suggestion that an officer should be deprived of a wound pension; the Committee only recommended that when he was still drawing full pay he should not be in receipt of extra pay concurrently. During temporary disablement from wounds the officer should get practically his full pension, but if he returned to duty on full pay he should receive the full pay as before, and the whole question of pension should be renewed on his retirement. The next point to which he wished to draw attention, because it had given rise this year and last year to considerable discussion, was where contracts had been given without competition, and where contractors had been allowed by means of taking comparatively small contracts to increase them by a considerable amount. For instance, there was the case of a contract for mounted infantry barracks. The original contract was £28,150, but the new contract amounted to £42,000. Parliament had devised a regular procedure by which cases of special urgency could be dealt with, and the Committee strongly recommended that if such cases were found to be necessary the question should be considered before the contract was entered into and the sanction of the Treasury received, so that the subject could be brought before Parliament at the earliest opportunity. There had been cases during the year under review, but they had risen before the issue of the Report of 1906, and the Committee understood that their recommendation had been brought to the notice of the various Departments concerned. A point in connection with the Army and the Navy was the cost of the staff in relation to the work that had been carried out. He admitted that there was a certain amount of difficulty in arriving at what might be called the correct figure, but he hoped that through the recommendation in the Report of this year it might be possible to furnish the Committee in succeeding years with some statement showing the cost which was involved on the part of the staff in carrying out the work. The Department need not be apprehensive of the figure being a high one. What the Committee were really anxious to find out was whether there was a variation from year to year between the cost of the staff, and also the effect of the comparisons between similar services. Another point was that of triennial contracts. This subject was now engaging the attention of the War Office, and he hoped they would consider the evidence which the Committee had brought before them. Any new work costing not more than £400 might be included under these contracts. The original limit was placed at £400; it had now been raised to £1,000. Though no definite opinion had been expressed by the Committee on the point, it was clearly indicated by them that the limit of £1,000 should not be exceeded. This contract system had been on the whole economical and useful, and had worked well. It was regrettable to add in respect of the military statement that there had been a loss of public money incurred through constant changes of policy. He was prepared to take as much blame as any one on this head, because he was a member of that Government that had to deal with the housing of the Army and the provision of accommodation for them. He hoped that statement set out by the Committee might act as an inducement to the House not to be always making changes in Army policy. He expressed the hope also that they were reaching finality in the form of Army administration, and that they would not be constantly making those variations which, whether received well by the Army or not, could not be achieved without cost. A considerable amount of satisfaction was felt by the Committee in dealing with *personnel* in relation to their review of the accounts. This year the only case of irregularity was not one which had been committed for the purposes of fraud or by which public money had been lost. The irregularity in fact had been committed by a public servant actuated by an almost excessive zeal to wind up his accounts. He understood that a strongly worded circular had been sent out, and he was confident that when this matter had been brought to the notice of all concerned, they might look forward to amendment. The Committee was, from the nature of the case, essentially a critical committee. They had to detect, if they could, what they considered practices involving the spending of money contrary to the expressed opinion of the House. Though the system of investigation might be slow and cumbrous, it was at any rate effective and efficient. Hon. Members who perused the Reports and noted the ultimate destination of the money voted would find that on the whole it passed smoothly in the direction in which Parliament intended. It was practically certain that any departure from the expressed intention of the House would sooner or later be brought to the attention of Parliament. Some might be disposed to allege that the system savoured a good deal of red tape; but it could be confidently said, at any rate, that it was effective in seeing that the deliberate intentions of Parliament were carried out. The Committee as well as the House owed a debt of gratitude to the distinguished servants, high and low, who had been actuated by the highest motives to carry out what they believed to be the direct intentions of Parliament in a smooth, efficient, and economical way. He thanked the Government for giving an opportunity to raise these questions, and he hoped that in future years the precedent now established would never be departed from.

Motion made, and Question proposed, "That the Report of the Public Accounts Committee be now taken into consideration."—(*Mr. Victor Cavendish.*)

MR. LEA (St. Pancras, E.) said the first Report of the Public Accounts Committee was issued on the 24th June, the second on the 23rd July, and the third on the 27th July in this year, while the evidence was issued on 15th August, and it occurred to him that these Reports should have been issued with the evidence on which they were based so that hon. Members might be enabled to keep in touch with the proceedings of the Committee and have the whole matter before them. The result of the present system was that the discussion of the whole matter was driven off to the second or third week in August when they were drawing near the end of their proceedings. That not only meant that the opportunity for discussion was very limited indeed, but also that they had had very little time owing to the manner in which the House had been sitting early and late to go through the evidence and sift it as it ought to be sifted. Unless the House was given an opportunity of considering the evidence it reduced the whole proceedings to an absurdity. The first paragraph he wished to refer to was paragraph eighteen of the first Report ordered by the House of Commons to be printed on the 24th June, which related to balances irrecoverable and claims abandoned, and had special reference to the defective rudder casting for H.M.S. "King Edward VII." He had put a Question on this subject to the Admiralty, and he was bound to say that he received a very unsatisfactory reply, from which it seemed that the object of the Department was to give as little information as they could, so that he was driven to make inquiries on his own account. Luckily he came across a man who had been employed in the Ayrshire Foundry Company at the time of the casting of the defective rudder, and he gave him a detailed account of the whole process attending its manufacture. He said, "The Ayrshire Foundry Co., Ltd., held a Government contract for a period of three years to construct marine castings to Admiralty patterns and specifications and subject to inspection by Admiralty inspectors at the rate of thirty shillings per cwt. Castings condemned to be a dead loss to the foundry. In the autumn of 1904, orders were received to make the rudder frame for H.M.S. 'King Edward' and the work was forthwith commenced, William Brown, foreman moulder, being responsible for the moulding, and Thomas Muirhead, foreman smelter, for the quality of the metal. So far as was humanly possible the moulding was done in a tradesmanlike manner. Brown was a trained steel moulder of large experience and in every way fitted for the job. As for the quality of the metal I cannot express an expert opinion. But I should think if it was good it was so by accident. Muirhead called himself a tradesman, but the general opinion of trained workers in the foundry was adverse to him, and complaints of the quality of metal by moulders and dressers were of daily occurrence. Moreover, he was entirely ignorant of chemistry, and had to judge his furnaces by appearances alone, being unable to check appearances by chemical tests."

THE CIVIL LORD OF THE ADMIRALTY (Mr. LAMBERT, Devonshire, South Molton): What was the date of that?

MR. LEA: I do not know the date, but it formed the subject of part of the Report of the Public Accounts Committee.

MR. LAMBERT said he had understood his hon. friend to give some date for this occurrence.

MR. LEA said he did not know the date, and continued the reading of the document, as follows: "The cast took place and after cooling the mould was dismantled and the casting raised. A crowd of dressers now set to work on it with a couple of electric welders in attendance. Any flaw revealed by the dressers was at once tackled by the welders and, well—I will say obliterated. On turning the casting to continue dressing on the underside a large hole was discovered at the neck of the rudder stock. The casting was at once removed from the foundry to the engineering shop and work suspended for a couple of days."

MR. HAROLD COX (Preston) inquired as a point of order whether it was quite fair to read an anonymous letter involving serious accusations against individuals.

*MR. SPEAKER said the hon. Member who was addressing the House was acting on his own responsibility. He could not compel him to give the name of his correspondent and he must use his own discretion in the matter.

MR. LEA said that in answer to the hon. Member he might point out that not only was he referring to the Report of the Public Accounts Committee but that that Committee described this incident as a fraudulent matter and expressed surprise that criminal proceedings had not been taken against the company. No one had been prosecuted, but one of the directors had been knighted. The workman of the company who had brought the subject to the attention of the Government had, however, not received any reward whatever. Therefore he thought he was justified in bringing this matter before the attention of the House, and in trying to get the information which he could not get from the Admiralty officials. The letter continued:—"Frequent consultations were held by the works-manager, foremen, and managing director. The first-mentioned, Mr. Livingstone, declined point blank to have anything to do with the casting and condemned it utterly. The others less independent were swayed by the managing director, and it was decided to electrically weld the flaw or, in plain language, 'fake' the casting. To do this the hole was filled with steel borings (it took about two pailsful) well rammed down and a powerful current of electricity passed over it. To enable you to understand how electric welding works I may explain that a negative wire is attached to the casting while the welder applies a carbon connected to the positive pole of a dynamo. This simple application has no effect further than charging the casting with electricity, but the welder, after touching the casting, raises the carbon, say, half an inch, and the current still flows in a released state and being concentrated on a given point generates the most intense heat. This heat immediately liquefies anything in the shape of metal it comes in contact with, but only at the point of contact, because after contact the current becomes different and loses power through non-concentration. The melting power of the current does not extend beyond half a inch from the point of contact, but the welder by rapidly moving the carbon from side to side can keep a comparatively large surface in a fluid state, but that surface, be it large or small, is never deeper than about half an inch. You will see by this process a skin can be formed over any flaw, and such was the method adopted in the case of the 'King Edward.' The borings beneath the half-inch skin would retain their normal condition. Mr. Marshall, the managing director of the Ayrshire Foundry Company, is a boiler maker by trade and has risen from the ranks by his own exertions. In a financial sense he has been a success, but in any other sense 'the less said the better.' He it was who suggested the 'faking' and accompanied the inspectors. The rudder was duly weighed (about fifteen tons) dispatched by special train to Glasgow, thence per steamer to Devonport." On the 22nd of July he asked the Civil Lord of the Admiralty a question as to why these people were not prosecuted, and the hon. Gentleman said, "I am informed that the Memorial submitted to the Scottish Law Officers in 1904 contained no imputation whatever against any director of this company except Mr. Marshall, the managing director, and that in his case the accusation was made by one person and denied by three. No criminal prosecution appears to have been considered expedient in 1904, and in the opinion of the Lord Advocate it would be out of the question now." He submitted that if the Admiralty had been anxious to do its duty by setting the Law Officers of the Crown and the Public Prosecutor to work they could have obtained plenty of evidence on which to base a criminal charge against this Mr. Marshall, the managing director. His informant went on to state, "I may mention all castings at Ayrshire Foundry previous to inspection were painted with a solution of sal-ammoniac which quickly forms a heavy coating of rust and effectually conceals any marks of hammer, chisel, or carbon." Large castings were also submitted to a sound test, that is, a man struck them here and there with a forge hammer in presence of the inspector, but, alas, the hammer-man was an employee of the foundry. The scene was rehearsed, and the man was careful to strike only where the casting would ring true. This was the worst feature of all, but yet the Law Officers of the Crown and the Admiralty had not taken any steps in the matter, although this battleship cost us over £1,000,000 and carried 800 men. Had "King Edward VII." come into action and had this rudder given way at a critical moment the valuable vessel and 800 lives might have been lost, but the man who had exposed this and brought it to the attention of the Admiralty had received no reward and no honour, while one of the directors of the company, as he had already said, had been knighted. As this Ayrshire Foundry Company had been supplying castings for several years, he thought there might be some other cases of defect, and so he wrote to his correspondent for particulars, who replied that the ships that he knew contained castings from the Ayrshire Foundry Company in regard to which he had a perfect recollection were the "Hindustan," the "Argyll," the "Roxburgh," the "Duke of Edinburgh," and the "Dominion," these being in addition to the "King Edward VII." In another letter his correspondent said that he had mentioned castings supplied to H.M.S. "Argyll." He said he selected these for the reason that he remembered them as being very badly torn in the cooling process and he was on duty during the night when the electric welders were employed on them—in other words, when they were "faked." Upon that statement he (Mr. Lea) asked a question of the Secretary to the Admiralty requesting him to furnish the names of His Majesty's ships at present on the active list containing castings supplied by the Ayrshire Foundry Company prior to the delivery of the rudder for the "King Edward VII.," and he also asked that the information might be given with special reference to the castings supplied to H.M.S. "Argyll." The Secretary to the Admiralty informed him that to furnish the information asked for would involve a great amount of labour which, in the opinion of the Admiralty, would not be justified by the results. That he could not believe. Moreover, the Secretary to the Admiralty said that the castings had stood the test of actual service for some years without exhibiting defects. His correspondent wrote that the castings supplied to the ships he mentioned were all stem or stern frames with one exception, and that was a rudder similar to that of the "King Edward." He could not recall for which vessel it was intended. The writer enclosed a rough pencil sketch to scale of the worst tears marked as they showed and according to that some of the tears would be in the "Argyll's" case 15 inches deep. The other castings were torn in a like manner, but not so badly as the "Argyll's." His correspondent added, "Please understand that I consider that so long as these castings are not subjected to strain, such as would be caused by violent weather, or touching the ground, they are safe enough, but should the 'Argyll' be unlucky enough to encounter what I may call a legitimate storm or to touch the ground aft, the chances are ten to one the stern frame would simply buckle up. May I draw your attention to the latter half of Mr. Robertson's reply to your question in which he stated that the castings supplied to the 'Argyll' 'have stood the test of active service for some years.' The 'Argyll' was only completed in January, 1906, so I think Mr. Robertson has rather a vague (perhaps a naval one) idea of what is generally understood by the word 'some.'" It appeared from the letters he had read that the ships for which these castings were supplied by this firm were the "Hindustan," the "Argyll," the "Roxburgh," the "Duke of Edinburgh," the "Dominion," and the "King Edward VII.," but the officials of the Admiralty, in their crass stupidity and ignorance of the elementary facts of technical work of foundries, had allowed these defective castings to be built into the ships, and if anything happened they and they alone would be responsible. When the armorial device of this honourable knight of the Ayrshire foundry was prepared, he hoped that a rotten stern post would be a prominent feature of it. He had put Questions with regard to these matters to the Secretary to the Admiralty but had been held off until that day. He hoped they would now be gone into, because they were of great public interest. As to the Army Estimates, the chief discrepancy was that between the official forecast of the 22nd of March and the actual result nine days later, the amount being between £600,000 and £700,000. The officials of the War Office saw no likelihood of the matter being remedied in the future. Then in regard to paragraph 5 he would like to know what the garrison institutes mentioned were, because he believed they were exclusively used by officers. The Committee recommended that the institutes should be pressed for the repayment of £9,294 for the rent of premises hired. Coming to paragraph 6, it appeared that £4,649 was issued by the Army Council without the sanction of the Treasury in regard to the attendance of Volunteers at the Royal Review at Edinburgh. If that could be done what safeguards had they? The Report of the Public Accounts Committee also in paragraph 9 called attention to the contract for a water supply to the troops at Standerton, which bound the War Office to pay at an absurd rate for twenty years, although the troops might be withdrawn at any time. He wished to know how many troops had been there, how many were there now, and how many were likely to be there in future. Then there was the remount depot in South Africa, for which a farm was bought, and to which a branch line was constructed on an undertaking to bear the capital charges in perpetuity. When all this was done it was found that the depot was useless because of the absence of a water supply. Paragraph No. 18 which dealt with this matter read like a chapter from "Alice in Wonderland." From paragraph 22 it appeared that at Aldershot a balloon factory was built at the cost of thousands of pounds in order to construct an elongated balloon, but the work was so slowly done that other buildings sprang up all round the factory, with the result that the balloon could not be got out of the factory. Poor people living on a few shillings a week had to pay the money that was being wasted by these fools in the public Departments. He hoped the man responsible for this elongated balloon factory would be cleared out of the service. Paragraph 23 referred to the increased cost of the headquarters staff, expressing disappointment that the reductions foreshadowed by the Esher Committee had not taken place. He hoped the right hon. Gentleman would see that they were effected as soon as possible. With regard to paragraph 26, this was only a small matter probably, but still in one sense it was important, as it set uo a class distinction. When an officer died and left a widow and she received a pension she forfeited it if she married again, but if her second husband died then she could claim the pension again. That provision did not apply in the case of non-comissioned and warrant officers and men. Again, no pensions for wounds were given to non-commissioned officers and men as in the case of officers, and he did not see why such a distinction should be drawn. The latter half of paragraph 29 really raised a most important point in connection with the Report of the Committee, although it only came out in a very indirect manner. It was an instance of expenditure the explanation of which by the responsible officer was not satisfactory. The Director-General of Army Finance entered a written objection which had come before the Army Council, and the point was decided by the majority of the Council, who were not answerable to the House of Commons. He wanted to see the Secretary for War in the position of being the only man in a position to override the protest of the accounting officer, for he would be responsible to the House. With regard to paragraph 36, it dealt with a small technical irregularity, and he hoped they would have an assurance that the recommendation of the Committee would be carried into effect. In paragraph 39, attention was drawn to the fact that one of the recommendations of the Committee with regard to putting tenders out to competition had hitherto been disregarded; while paragraph 40 spoke of the waste of money at East Bulford, a waste due to the policy of the late Government, which in one instance only had cost the country £140,000. Then, in Ireland, at a place called Moor Park, it was decided to start a mounted infantry school, and an estate of 840 acres was purchased at a cost of £35,000. When that had been done it was found that the school was no longer necessary, and they now had this Fermoy estate on their hands. He hoped it would be disposed of as soon as possible and the money appropriated for the relief of expenditure this year.. Paragraph 42 dealt with the case of falsification of accounts by an officer. He asked for the officer's name and rank, where he was now employed, and why he was not court-martialled. Had he been a civilian clerk in the War Office or in the employ of an ordinary private firm he would have been "fired" at once, but he supposed this officer had before him still a brilliant military career with many opportunities of squandering public money. He hoped the right hon. Gentleman would give a detailed reply to every question he had put to him.

MR. HAROLD COX said he interrupted the last speaker because he thought that it was a little unfair of the hon. Member to bring in names mentioned in the course of an anonymous letter reflecting on private characters. The House of Commons was not a Court of Law, and what was said within its walls was not actionable; and therefore every hon. Member ought to be particularly careful what he said. He wished to thank the Public Accounts Committee for the valuable work they had done. There was no other Committee of the House that did such great service; their reports were of immense value.

THE SECRETARY OF STATE FOR WAR (Mr. HALDANE, Haddington) said he would as far as possible specifically reply to the demand of the hon. Member for East St. Pancras for information, but in the first place he wished to say that he associated himself without reserve with what the hon. Member for Preston had said as to the work of the Public Accounts Committee. The financial system of the country had its disadvantages and difficulties; but in his experience, extending over eighteen months, they were outweighed by the advantages. Obviously a system which gave the House of Commons a complete check on the issue and application of all public money must be rigid and give rise to some difficulty. It was not always convenient that every item of expenditure should be earmarked, and the restraint of individual initiative, while it might prevent the misapplication of public money, did not always lead to economy. The Departments were often blamed for what was the result of having to conform to a rigid system. Many of the accusations of "red tape" were founded on that. He had been blamed for not getting on faster with the placing of the contracts for the new stables at Tidworth. A private firm would have saved at least three weeks; but he had to observe the rule that all contracts must be put up to competition. On the balance, he believed that the present system of Parliamentary control was advantageous. The right hon. Gentleman took a gloomy view of the evidence of the Director-General of Finance at the War Office; but it was not justified. Sir Fleetwood Wilson had said that they were saving money, and were now in touch with military policy.

When he came into office in December, 1905, he of course found that a great many of these matters had been already settled, and he had to deal with the Estimates on very short notice. The directors were new and the system was new. It was a valuable system which the late Government had introduced, but it had not then got into working order. It was natural that the directors, who did not wish to be found under-estimating, should be very cautious. They took margins which he thought people who knew the work would consider they were justified in taking. The result was, with the rigid economy which was practised during the year following, that they saved a considerable sum of money on these Estimates. It was a large sum of money, but he thought it would be most unjust to blame the directors for what was really the outcome of prudence on their part in their want of experience of an entirely new system. As to what had been said about nine days, he did not blame the hon. Gentleman for having brought that forward, but it rested on a sheer misunderstanding. It was not true that it was only nine days from the end of the financial year when the Estimate was made. Many of the accounts did not come in until six months later, so that it was not nine days but something like six months. The discrepancy was inevitable, because they did not know how matters stood. The financial management of the War Office was not like that of the Admiralty. They had to deal with units and not with ships about which they knew everything. They had to deal with matters that were carried on thousands of miles away, and the directors had to control operations in almost every part of the globe. It was impossible for them to get in their accounts or know what was going on, and months had elapsed before the detailed information came forward. It was therefore quite a mistake to compare that system with the system at the Admiralty; and nine days was not the actual time; the real time was six months, and not less, before all the information could be got in from distant stations. As regarded the future, he thought it would be found that this year, with twelve months more experience, that they had estimated very closely. They had now something approaching to a settled system. They had made a reduction of £2,000,000 in the expenditure, and he thought it would be found that the close survey to which they had subjected everything, and the experience which the directors had gained, had brought them a much nearer result than had been the case in the last two or three years during which the new system at the War Office had been in operation. He agreed with the criticism of the Public Accounts Committee upon much of that system. He believed that it was very difficult for military directors to deal with these financial matters as satisfactorily as was the case under the old system of finance. When he used the word "satisfactorily," he meant satisfactorily from the point of view of finance, and that alone. Why had the re-organisation taken place? The reason was plain. It was because the old system had broken down completely in the South African War. The Report of the Farwell Commission swept away altogether the old system. They had waste in the field, waste in the stores, and waste in the making of contracts, and they had every kind of financial abuse. Why? Because it was not possible for civilians, who thoroughly understood matters, to get into the field to do the business. Some of the work had to be done almost under fire, and it became evident that, if they were to have an efficient business system for the Army and a proper plan of accounting, they must base their preparations and everything else upon a war and not upon a peace footing. The old system of keeping everything upon a peace footing broke down, like every system based on peace when tried in the field. What they wanted was a system which prepared for war, yet preserved the checks and financial control and other things which were requisite in order to make the system thorough. He did not think they had got that completely up to this time. He said again that he entirely accepted the advantages of Parliamentary control, and he did not want by a hair's breadth to go back from that. He wanted to adopt it, and at the same time to bring the military mind and the financial mind closer together. They had been working hard at this problem during the last few months, and he hoped that they had devised means by which they would be able to satisfy the requisition which had been made upon them, and he thought justly made upon them, by the Public Accounts Committee, that there should not be that divorce between civilian and soldier which there had been up to this time. By their arrangement they had managed to get the soldier to accept much more financial advice than had been the case in the past, and they proposed to give him yet more. This would disturb nothing, and it would work harmoniously with the principle of Parliamentary control; it would put at the soldier's elbow every advice, so as to enable him to submit his accounts for review to the financial authorities at the War Office, and ultimately to appear on the Estimates. He thought the outlook, therefore, was not one that was without hope. He would not put it higher; but they had got a long way on with their preparations and he thought he saw his way to working out an efficient business system based on preparation for war while maintaining those checks and financial control to which allusion had been made. The other points which had been raised were much more difficult to meet. There was one, he thought, heavy criticism which the Public Accounts Committee had levelled against the history of the War Office. Of course, he was not merely speaking for himself in this matter, he was speaking of the past, and of the loss of money which had been caused by changes in the past. That loss was deplorable in this matter, but looking back upon it it was very difficult to blame anybody. It was thought that the Six Army Corps Scheme would be the salvation of the country, and there was all the enthusiasm of people who felt that there had been a breakdown of the War Office under the existing system, and that the Six Army Corps system had been adopted. It broke down, and really he did not blame in the least those who had advised it and in whose hands it broke down. Under the old system at the War Office they had not got a machine to work out the calculations on which any system could be based that they had to-day. The old system was a very bad one for reform. The plan under which they had a Commander-in-Chief and a Secretary of State side by side, neither quite sure of the functions of the other, but each anxious, he suspected, to make the most of his rights, was a system which led to confusion. They had got rid of all that, and Parliament, much more directly than before, controlled the policy of the War Office. He must confess to having made changes in the policy of his predecessors. He had done that because he was forced by military and financial opinion behind him—forced by the outcome of organisation at headquarters. Of course, he felt the responsibility very much of making these changes. They had formed four mounted infantry schools which were taking away more men from the battalion than they could afford. They had worked out a cavalry policy and had ascertained their requirements, and they had settled the number of mounted infantry required consistently with maintaining the strength of the line battalions from which the men could come. The result of that was that they found that one mounted infantry school was sufficient, and they did not want more. They wanted one cavalry school, and he looked about with his hon. friend to see how they could provide it economically. They had a large estimate, something like £60,000 or £70,000 for Bulford, and they felt it was capable of adaptation to their purpose at a cost of £8,000 or £9,000. The transference of the *matériel* was effected during the winter months, and the new mounted infantry school had been established economically and, he thought, efficiently. When they came to the recent Army organisation scheme, which extended not only to the Regulars but to the Auxiliaries on a very large scale, the Government had been met by the Opposition in what he thought he might say was a very handsome fashion. There had been controversies between them at the beginning, but when they came to work the thing out they saw that there ought not to be party questions raised about military matters further than it was possible to avoid. When one party or the other came into power, and there was change of policy, then the period would come when, as the result, there would be a flow of expenditure. He thought that had justified them in making friendly overtures to the other side, and those overtures had been responded to. He thought he might say, after what they had done, that they had good hope of continuity of policy, which they had not had for a very long time in the history of the Army. The responsibility for the present policy of course rested with the Government. If it failed, nobody on the other side of the House would be responsible. On various matters, like that of the Militia, the other side had met the Government, and they had been able to meet and to work out something together, which he thought was accepted in both Houses, and which was sufficient to give them at least a hope that there would be some chance of continuity. How the scheme succeeded depended on how it was worked out. If it did not succeed, he thought there was no disposition to overturn merely for the sake of overturning. He, therefore, looked to the future with some degree of hope, just as he looked to the future in finance with some degree of hope—the new methods they were working out, of bringing the military and civilian minds closer together, while retaining the policy of preparing for war in time of peace. Certain other matters had been raised. There was the apportionment of the charges betweeen the loans and Votes. That, of course, was a serious matter, but he was glad to say that it was getting to be more and more academic. The House had abolished the loan system and he was sure no more satisfactory steps had been taken. It might be that for a year or two there would be an increase in the Estimates, but it would not be a real increase, because there had always been an expenditure of one or two millions which did not appear in the Estimates but was included in these loans. The result would be that three years from now the loan charges would begin to fall off and the sum of £1,200,000 which the War Office had to pay for interest and instalments of principal would drop first by £300,000 and then by larger amounts, so that the Estimates would be automatically relieved of charges which did not make for fighting efficiency but referred only to past expenditure amounting to over £1,000,000. That was the economy they would get if they adhered to this method of paying their way as they went along instead of charging it on loan. In regard to officers' wounds pensions there seemed to be a natural tendency to cut down officers' emoluments because the pay of the men had gone up enormously within the last few years. The pay of the officers had not been raised at all and the Army was in this difficulty, that there was a tendency to think that officers were necessarily rich men, and ought to accept payment much less than an equivalent for their services. That was thoroughly bad for the Army. He did not want to raise this question of the increase of officers' pay unduly. They had done something this year, for they had increased the pay of battalion commanders of cavalry regiments by £100 a year. Step by step he trusted they would get to a state of things in which it would no longer be necessary to be a rich man in order to become an officer in the British Army. He was reluctant to cut down even a small thing which seemed to be extra remuneration at the present time. That was the reason for his reluctance, and it was not any wish to differentiate between officers and men. The differentiation had been all in favour of the men during the last decade. With the general criticism of the right hon. Gentleman he was in accord. It was most important that they should keep the control of Parliament over this expenditure, and keep it completely and attain even to his own ideal, which had given rise to some suspicion, of saving the Army from being overwhelmed by red tape. It was not true that red tape and Parliamentary control were convertible terms. Now he came to the formidable questions raised by the hon. Member for St. Pancras, who asked him about the South African garrison institutes, for whom they were demanding £9,294. The hon. Member had asked for the amounts claimed against each. Those institutes were created during the war for non-commissioned officers and men. The claim was not against any individual institute, but against the Committee as a whole who were responsibie for their management. The next question put to him was in regard to £4,649 paid in respect of a review in Scotland in 1904, for which Treasury sanction was not obtained. He believed that the paper which should have gone to the Treasury was put into the drawer of a distinguished General who should have sent it to the officials of the Treasury, but it was overlooked. But the review went on all the same. His hon. and gallant friend near him agreed that it was a most successful review. There was no doubt that in those days, in the mood and mind the Treasury and Parliament were in, they would have sanctioned that expenditure. Therefore he thought it was merely a technical omission, and the

Public Accounts Committee took that view and recommended that the item be passed.

MR. MORTON (Sutherland): Has anybody been reprimanded for that irregularity?

MR. HALDANE said some very nasty letters were written. His hon. friend had asked some questions about the Standerton water supply. That contract was entered into under peculiar circumstances. After the war it was thought that a very large garrison would have to be kept in South Africa for a long time to look after the Boers. All that had completely changed and it was now more a matter of the Boers looking after the garrison than the garrison looking after the Boers. The old distribution was not now necessary, and at Standerton they had not as many troops as they used to have and they might have less in the future. After the war some £2,000,000 was placed at the disposal of the general officers to arrange all these things, and this contract for a water supply at Standerton was made with the approval of the military authorities in South Africa. There was no necessity to send that contract over here for review, and they did not do so. That was the conclusion he had come to after looking up the papers, although the matter did not occur in his time at the War Office. The contract was made with the municipality of Standerton and the people of that town had got a lower water rate in consequence of the advantageous arrangement they made with the British Army. As for the farm which had been alluded to, it was abandoned not only because of the failure of the water, but because it became saturated with horse disease and the loss would have been so enormous that it was considered wholly inexpedient to maintain it. He had been asked why there had not been that diminution in the expenditure which the Esher Committee had forecasted. There had been a diminution on one side, but it had been overbalanced by an increase on the other side. The expenses in other departments of the district staff alone had been reduced by about £21,000 a year. The increase with regard to the general staff was due to the fact that there was no general staff before and one had to be created. It might have been started in a somewhat expensive fashion, but they were making inquiries with a view to seeing if the cost in this and other particulars might be cut down. He wanted to point out that there had been a reduction in the general cost of the district staff, and the increase was due to the fact that for the first time in the history of the Army it had got what the German, French, and Japanese armies had had for a long time and to which they owed their efficiency; namely, a General Staff. It was the new General Staff coming into existence that had produced this increase and not any failure to follow out the recommendations of the Esher Committee. With regard to the elongated balloon factory, it was said that after building the shed it was found that other buildings had been put up alongside which made it impossible to put the balloon there. That was stated in the Report of the Public Accounts Committee, but it was not a fact. The balloon had not been made at that time. The witness who gave the evidence had not the knowledge at the moment and was under a wrong impression that this balloon had been built a long time. The shed was not built specially for this elongated balloon and it was now being used for other purposes. The building became available for military workshops and was being used now for that purpose. Therefore, this balloon question was full of the inflammable and dubious material which sometimes raised these questions. Reference had been made to the way in which an officer had dealt with his accounts. That was not a case of malversation, but a case in which instructions had been sent to an officer to complete his accounts by a certain time. He could not finish them, not having the materials. He therefore took a shot, and put in the figures and made his total exactly right, though what he did was quite wrong. He had been censured, but they had sent out a circular saying that that sort of thing was never to be done in future.

MR. COURTHORPE (Sussex, Rye) said he did not mean to follow the hon. Member for East St. Pancras into the question of the behaviour of individuals. That was a question of detail rather than of policy. What he wished was the adoption of a policy which would obviate future risk to His Majesty's ships from defects of the kind which had been referred to He was very grateful to the Admiralty for the steps which had already been taken to obviate the possibility of such defects in future. He had been informed in answer to a question that instructions had been issued that all castings should in future be inspected in the rough, and before they had been treated in any way, and, secondly, that instructions had been issued to prevent the smudging of castings. He did not think these directions went quite far enough. He would suggest that, when vacancies occurred on the inspecting staff, practical moulders should be appointed as inspectors. In connection with many branches of the shipbuilding trade practical men were appointed as inspectors, but moulders were not appointed. He did not think he was exaggerating the case when he said that there was no branch of shipbuilding in which there was greater necessity for proper inspection than that of castings and mouldings. A great mass of correspondence had reached him from a variety of quarters, and he was convinced that it was very easy for any practical moulder to detect defects, however great the efforts might have been to "fake" and conceal them. He did not suggest that faking often occurred, but one instance had been brought to their notice by the Public Accounts Committee, and there might be many others. He thought they should endeavour to prevent their recurrence. When His Majesty's ship "Inflexible" was being built by Messrs. John Brown & Co., of Clydebank, it was found that a defective cast had been used, and its removal involved a delay of about a month in the launching of the ship. He mentioned that to show that these things might occur with the best regulated firms. They were all agreed that Messrs. John Brown and Co. ranked with the very first of the kind, and that there could not be the slightest suspicion in their case that any effort would be made to hide defects, or use anything but the very best material.

Mr. MOONEY (Newry) said he wished to discuss a question which was before the Public Accounts Committee during the past year, namely, the subsidy granted to the London & North Western Railway Company for carrying the mails between London and Ireland.

*Mr. DEPUTY-SPEAKER: Does this arise on the reports of the Public Accounts Committee ?

Mr. MOONEY submitted that it certainly did arise as there was a reference to it in the evidence to which he was going to refer.

*Mr. DEPUTY-SPEAKER: Will the hon. Gentleman give me the reference to the page in which it occurs ?

Mr. MOONEY: Page 513.

*Mr. DEPUTY-SPEAKER: We are now dealing with the Reports of the Public Accounts Committee.

Mr. MOONEY: Mr. Speaker earlier in the debate allowed references to be made to the evidence in regard to other matters, and I submit that I am fully entitled to discuss this matter.

*Mr. DEPUTY-SPEAKER: The point is this. The Motion before the House is that the Reports of the Public Accounts Committee be now taken into consideration. The evidence on which discussion has been allowed has reference to matters dealt with in the Reports. I do not suppose that there is any reference in the Reports to the question raised by the hon. Member.

Mr. MOONEY: If I am to be precluded from discussing the evidence I will not pursue the subject. It seems to me curious that while the War Office and the Admiralty are only too anxious to have a discussion, the Financial Secretary to the Treasury should try to stop discussion on a matter affecting his Department.

*Mr. DEPUTY-SPEAKER: I must tell the hon. Gentleman that it has nothing to do with the Financial Secretary. I have made inquiry as to what has been done before.

Mr. MOONEY: All I can say is that the point was not raised until the Financial Secretary had consulted you.

The FINANCIAL SECRETARY to the TREASURY (Mr. Runciman Dewsbury): I did not consult the

Chair. If any communications passed, they were certainly not on my initiative.

Mr. MOONEY: May I not discuss the omission of something from the Reports which is included in the evidence given before the Committee.

*Mr. DEPUTY-SPEAKER: If it is not referred to in the Reports, it is not in order to refer to it on the present occasion.

Mr. BRIGG (Yorkshire, W.R., Keighley), referred to the fact that the Blue-book containing the reports of the Committee also contained a vast amount of evidence which had been given at an inquiry in regard to the way in which departmental accounts were kept. That examination had been conducted in a very effective manner, and in cross-examination the members of the Committee displayed a variety of practical knowledge of the subjects in hand and were able to elicit valuable information. Another interesting point in connection with the work of the Public Accounts Committee was that there was nothing political either in the composition of the Committee or in their course of action. The members were actuated only by an honest desire to obtain bare facts in relation to public accounts, and to call the attention of the House to any points with respect to which changes might with advantage be made. Referring to what had fallen from the Secretary of State for War on the subject of pensions, he suggested that it would be better to pay officers what they deserved instead of following the practice which had been commented upon. A suggestion was made some time ago by the Select Commitee which inquired into national expenditure that the Estimates prepared by Departments should be examined by a Committee before they were brought before the House. That, he thought, would be an improvement in the financial system. Although it was all very well for the Public Accounts Committee to investigate accounts after expenditure had been incurred, it should be remembered that their investigations often referred to expenditure of a year or two before. That was a long interval and it was sometimes difficult to get full information. If there was a Committee to examine Estimates before they came before the House, that would have the effect, he believed, of reducing expenditure, because the Departments would be more careful in drawing up their reports.

*Mr. BOWLES (Lambeth, Norwood) thanked the Government for the opportunity of discussing this Report. Since 1862, when the Public Accounts Committee was appointed, this was only the second occasion when such an opportunity had been afforded. He earnestly hoped that it might now be regarded as a settled precedent which would be followed every year. The importance of the work of the Committee in ensuring the control of that House over expenditure was great and increasing. The totals of our national expenditure were greater year by year, while the effective control over them of the House of Commons under the present conditions governing discussion in Supply was visibly decreasing. Increasing grants were increasingly unconsidered; and, under the Supply Sessional Order of 28th April, 1902, vast sums were appropriated to expenditure without any consideration in the House at all. Moreover, even that appropriation was constantly defeated in respect of large sums without any reference to Parliament and by the mere motion of the Treasury, as shown for instance, in paragraph 17 of the Committee's Second Report this year. This power of *virement* had just been further extended to include extra departmental receipts never contemplated by Parliament at all; and it was clear that, unless the control of Parliament was in future to be limited to making block grants within which the Departments might have an absolutely free hand, the kind of scrutiny now exercised on its behalf by the Public Accounts Committee was an absolute and increasing necessity. He entirely agreed with his his hon. friend opposite that the scrutiny of the Public Accounts Committee was of the highest value to this House, but, after all, it was only a *post mortem* examination; they had been considering this year the expenditure which took place in the year 1905–6. The Committee on National Expenditure, which, reported in 1903, made a recommendation that the scrutiny of the Public Accounts Committee should be supplemented by that of an Estimates Committee which should be appointed continuously, and with the same power as the Public Accounts Committee. To that Committee should be referred each year one branch at least of the Estimates before they were agreed to in Committee of Supply. He hoped that that recommendation would be taken into the very serious consideration of the Government, because he thought it would certainly increase the effective control of the House of Commons over expenditure. To his mind the outstanding feature of the Reports of the Public Accounts Committee this year was the striking contrast between the financial administration of the two great spending Departments—the Admiralty and the War Office. On March 22nd, only nine days before the end of the financial year, the War Office made a forecast of a surplus of £691,000. As a matter of fact they had a surplus of £1,334,000. In other words the War Office on the 22nd of March made a mistake involving the unnecessary issue from the Exchequer of no less than £643,000. Owing to this and similar errors, upwards of £800,000 in excess of the amount required for Army expenditure was issued from the Exchequer and quite unnecessarily withdrawn from the old Sinking Fund and the extinction of Debt. The Secretary for War now informed the House that this was quite inevitable.

Mr. HALDANE said that although the accounts closed at the end of the year the amounts were not ascertained until six months later. Moreover, £200,000 of the error was made at the express request of the Treasury itself. The War Office would have been £2000,000 nearer the true figures had they not listened to the advice of the Treasury.

*Mr. BOWLES said if it were true that from whatever cause—it did not matter two pins what the reason was—the system of financial administration at the War Office was such as to make these errors and discrepancies inevitable, that was a grave defect, and required the serious consideration, not alone of the Public Accounts Committee, but of the House. Why did these enormous discrepancies and mistakes never occur at the Admiralty?

Mr. HALDANE said that they were dealing with a wholly new system, and he had good hope that they had seen the last of these big blunders.

*Mr. BOWLES said he was glad to hear that. They were told in the Public Accounts Committee by the Accounting Officer that this was the first year after enormous departmental changes had been made in the War Office. It was the fact that the civilian element had no voice in the War Office such as it had at the Admiralty and other great Departments of the State that was the cause of the blunder which the right hon. Gentleman the Secretary for War did not extenuate, because he could not extenuate. The Director General of Army Finance said that under the system of the War Office there was no real security that this blunder might not occur again. He agreed with the right hon. Gentleman that it was necessary to emancipate the War Office from the appalling amount of red tape which surrounded the administration of that Department. But the complete maintenance of the present powers and duties of the Accounting and sub-Accounting officers, and above all of their independence of purely military control, was essential, and if that was preserved and the more the right hon. Gentleman abolished red tape, which was an abomination, the better.

Mr. HALDANE: Hear, hear!

*Mr. BOWLES said he hoped that the right hon. Gentleman would not lend himself to any scheme which would reduce the control of the civilian element, which really meant the control of the House of Commons, in the administration of the War Office finances. He wished to call attention to one matter which although small in itself, was important. It had been referred to by the right hon. Gentleman—he meant the expenses incurred for the review in Edinburgh in 1905. In that review, which took place on the 18th September, both Army and Navy were represented. It was arranged in August that they should take part in it; and on the 26th August the Admiralty wrote to the Treasury asking their santion to the expenditure of money for this purpose, which, of course, had not been included in the Admiralty Vote. How very different was the procedure of the War Office! On the 3rd of August the Army Council met. It was an informal meeting; and he understood that three generals and the right hon. Gentleman constituted an Army Council such as that. It was then decided that the expenses of the review were to be met out of public funds, and the Army Council at once, without any application to anyone and of their own mere motion, caused a letter to be sent on the same day to the General Officer Commanding in Scotland, telling him that he might spend £4,000 in railway fares. It was not until two days after the review had taken place that the Treasury heard anything from the War Office about the proposed expenditure, and, therefore, it was not surprising that the Treasury refused to sanction the grant. It was not enough for the Army Council to say that some papers had been lost or had been put in a drawer and had been forgotten. The point was that, in writing that letter of the 3rd August, the Army Council assumed a discretion over the expenditure of Army funds, which if conceded, would strike at the root of all Parliamentary control. It was a significant example of the spirit which appeared to animate the Army Council in financial matters – a spirit which did not exist and had never existed in any other Department of State. If brought out in the clearest and strongest contrast the different notions held at the War Office and the Admiralty. He hoped that the Secretary for War would allow no suggestion or scheme for ridding the War Office of red tape to lead him into the way of decreasing the civilian or House of Commons control over War Office expenditure.

*THE CIVIL LORD OF THE ADMIRALTY (Mr. LAMBERT, Devonshire, South Molton) said that, of course, they at the Admiralty were very grateful for the hon. Gentleman's commendations of their methods of finance. The right hon. Gentleman the Chairman of the Public Accounts Committee was criticising the action of two years ago. The right hon. Gentleman, therefore, was a prosecuting counsel or critic of his own administration in this matter; but he felt it to be his duty and privilege to defend the action of the Department with which he was connected although it took place in the time of the late Government. He thought the House must be gratified to know that in the years 1904–5 and 1905–6, although £35,000,000 to £40,000,000 a year had been spent by the Admiralty, no charge of malversation or corruption had been found against a single official; and if errors had been made they had been honestly made. There had been no taint of personal gain. The Admiralty welcomed intelligent criticism, and if they could be shown how money could be more profitably spent in the service of the State they would gladly avail themselves of any suggestion or information placed at their disposal by hon. Members. The main criticism of the Admiralty had been in reference to the "King Edward VII.'s" rudder, in regard to which the hon. Member for St. Pancras had accused the Admiralty officials of crass stupidity.

MR. LEA: Hear, hear!

*MR. LAMBERT said he would pass that cheer by. The hon. Gentleman apparently thought he could get no information from the Admiralty and therefore he had got it for himself. He did not know from what source the hon. Gentleman had obtained his information, nor did he much care. The hon. Gentleman began by asserting that the date of this occurrence was in 1904. As a matter of fact it was in 1902. That was the first comment he had to make on the accuracy of the hon. Member's informant. The history of this defective rudder casting was as follows. In 1902 this casting was ordered from the Ayrshire Foundry Company. The casting was cast in August, 1902, and it was found to be defective. The works manager, on a Sunday morning, called the attention of the managing director to this defective casting, and against the works manager's advice the managing director of this company ordered the works manager electrically to weld the casting so that the defect would be concealed. The Admiralty got no information of this transaction until they received it from the works manager himself, who had assisted at the transaction on this Sunday morning.

MR. LEA: Under protest.

*MR. LAMBERT agreed that it was under protest. He would read to the House a statement which had been made by this works manager, and he hoped the House would forgive him if he omitted all names, for they were not really material. He would read the statement so far as it was applicable to this particular matter. This statement was sent to the Admiralty in, October, 1903, some fourteen months after the transaction. The works manager said:—"The welding would take place, as far as I remember, about the month of August, 1902. . . . I had no dispute or difference"—this was by way of explaining why he gave the information to the Admiralty—"with the managing director in reference to any personal question until January, 1903. It was some months after the rudder frame was delivered to the Admiralty. He led me to expect a rise of salary, but it was delayed, and not granted. I did not press it. Another foreman engineer was, however, taken on. He was put under me, but he was to receive the same salary as I did. I thereupon threw up my job. I obtained from the managing director a certificate of character, dated January 22nd, 1903. Immediately on receipt of this certificate I wrote to the managing director a letter, of which the following is an extract:—'Now I am no longer in your employment and not bound by any ties whatever, I propose to communicate with the following firms and individuals and see, after due explanation, if they do not arrive at the same conclusion as I do regarding your promises and good faith—(1) the Director of Navy Contracts concerning the various jobs that have been foisted on to them as sound, viz.:—"King Edward VII." rudder, Broadfoot Door, and the various jobs lying at Ayshire Foundry at present. I have my mind made up to interview this gentleman if at all possible, and will, if necessary, go to London for that purpose.'" He wanted the House particularly to note the next passage he was going to read, "'And also,'" said the works manager, "'I will send a copy of this letter to every director of the Ayrshire board, together with my personal views on some transactions which may be of general interest to them.'" That paragraph proved that the directors other than the managing director had no knowledge whatever of these transactions.

Mr. LEA: Then they were not doing their duty to their shareholders.

*Mr. LAMBERT said that interruption only exposed the hon. Member to the charge which he had levelled against the Admiralty officials. All the insinuations which the hon. Member had made against these gentlemen were utterly unfounded. He would not characterise the hon. Member's action; the House had its own opinion in these matters. The first concern of the Admiralty was the safety of the "King Edward VII." which had this alleged defective rudder. The rudder had been built into the ship at Devonport, and there was no dock at Devonport big enough for the "King Edward VII." to be docked in order that the rudder could be taken out. Directions were given that the vessel should be cautiously taken to Portsmouth, where, upon this information only, the rudder was unshipped and a new rudder was put in. That, he thought, cleared the Admiralty of any charge of weakness in caring for the safety of the vessel. The primary consideration was the safety of the ship, and he did not think anybody could say that the Admiralty did not safeguard it in every possible way. They had been asked why the managing director of this company was not prosecuted. The Admiralty sent all these facts to the Law Officers of the Crown. They considered the matter, and advised the Admiralty on January 30th, 1904, that the question of pressing a criminal prosecution in Scotland is not one for the Admiralty, but for the Lord Advocate as Public Prosecutor. The Admiralty placed the matter in the hands of the Lord Advocate, and he decided to take no steps. Therefore the Admiralty could go no further in the matter. What influenced the legal mind it was impossible for him to fathom. The Lord Advocate decided against any prosecution. The hon. Gentlemen asked why no reward was given to the works manager who informed. The works manager performed this transaction, under protest, in August, 1902, but he did not give information until fourteen months afterwards. The Admiralty could not reward him for that belated action. He thought he had satisfied every reasonable mind in the House that the Admiralty had taken the utmost precaution they could for the safety of "King Edward VII.," and that they had placed the matter in the hands of the proper authorities so that a prosecution, if possible, should ensue. In the matter of the "Argyll," the rudder had been tested with great severity, the vessel had been in commission for a considerable time, and the Admiralty had no reason to believe that the rudder was other than satisfactory. With regard to the suggestion that the Admiralty should employ practical moulders as inspectors, he said the inspectors at present employed were extremely competent men; there was no fault to find with them, but in the case of these castings it was impossible to see inside. In the case of the "King Edward VII." the castings were electrically welded on a Sunday morning, in the absence of the inspector. Of course, if people tried to deceive, sometimes that deception would succeed. He was also informed that to detect this electrical welding it would be necessary to bore into the casting, and chemically analyse the bores.

*MR. LUPTON (Lincolnshire, Sleaford) asked the hon. Gentleman whether he had expert information to prove that the rudder was a bad rudder, because electrical welding was a well-known and recognised process of remedying deficiencies. So far as any statements to which he had listened had gone, the rudder might be so bad that the man responsible for delivering it to the Admiralty ought to be hung. On the other hand, it seemed quite likely that by means of the system of electric welding it had been made into a perfectly good and sound rudder, fit for any work.

*MR. LAMBERT said that as far as he was informed—of course, he was not a technical expert—electrical welding could be usefully performed in small flaws, but if there was a large flaw, then the welding did not weld with the casting, and in such case the casting was weakened without its being perceived. The Admiralty were most anxious that these castings should be effectively inspected. With regard to the case of the "Inflexible," at Messrs. John Brown & Co.'s works, there again it was impossible that the flaw could have been discovered until machinery had been used to grind into the casting for the purpose of fitting. Scientific methods were not yet so perfected that they could depend upon all castings being perfectly sound all the way through, and as the whole of Messrs. John Brown & Co.'s officials did not find out the defect, it was not surprising it had not been discovered by the Admiralty inspector. The Admiralty were anxious for the safety of His Majesty's ships, and any reasoned criticism they were glad to have. Some of the criticism to-day had not been quite reasoned; but anything that would add to the stability of His Majesty's ships, and ensure that the public money was spent to the best advantage, the Admiralty would always gladly welcome.

MR. MORTON said he was glad even at this late stage of the session they should have the opportunity of reviewing the work of the Public Accounts Committee. What he was sorry for, however, and in this he agreed with hon. Members who had spoken, was that that Committee did not look into the appropriation accounts before they were paid. However, the Public Accounts Committee did some of the best work which was done in the House of Commons, and he was delighted to acknowledge it. The public officials did not, however, let the Public Accounts Committee know too much. In fact, the amount of information they gave them was the minimum. He was a member of the Public Accounts Committee in 1894, but he understood in 1895 that they did not want him reappointed because he made too many inquiries. On that occasion he overcame that opposition, but they had kept him off the Committee during the present Parliament, and he could not induce the Government to put him on again, because he supposed the objection again was that he made too many inquiries. Nevertheless, the work of the Public Accounts Committee was more necessary now than ever before, as the bulk of the Estimates were systematically guillotined. There was bound to be some red tape in our Government Departments, but members of the Government Bench seemed to be alarmed when hon. Members carried on inquiries. He regretted that prosecutions had not been instituted in the cases referred to. The letting off these people was most deplorable. The bigger the people who were prosecuted the better he would be pleased. The letting of them off offered a premium to other people to carry on the like fraudulent business. They had been told about a balloon, and he thought it would do a great deal of good if some of these officials were sent up in one. About the rudder of the "King Edward VII."; the hon. Gentleman was in rather a bad temper with regard to the criticisms of the hon. Member for East St. Pancras, but he thought they ought to have a better response to those criticisms. There was, he considered, a case for further inquiry, and he thought they were indebted to the hon. Member for East St. Pancras for bringing the matter before the House, although he no doubt did it rather roughly. The report of the Public Accounts Committee was very clear and so entirely upset the statement of the Civil Lord of the Admiralty that he was afraid he had not read it. The Admiralty only discovered the matter in consequence of an expenditure of £48—a very small sum. It appeared that twelve months after the rudder was received the the Admiralty was informed by a retired employee of the company that on a certain Sunday the management collected certain hands and filled in the flaws. An examination showed that such defects did exist. The firm offered to replace it but the second rudder was as defective as the first, and ultimately it was decided to have another rudder made in the Government dockyards. Not only did this firm act fraudulently, but they lied; that was proved when the machinery was opened up. But his hon. friend endeavoured to whitewash all these people and tried to censure the hon. Member for East St. Pancras for the statements he had made, and repudiated them all, although they were confirmed by the Public Accounts Committee. He told the House that they had taken the law officers' opinion on the case, and read a portion of it; therefore he presumed that opinion would be laid before the House. The hon. Member had told them that the law officers stated that it was the duty of the Lord Advocate to prosecute. But he might remind the hon. Gentleman that in Scotland the Admiralty could prosecute themselves if they got the Lord Advocate's sanction to do so. Why did not they do that when they found the Lord Advocate would do nothing? Why was not this firm or the somebody connected with it who was guilty prosecuted? He might be told that one director who probably knew nothing of the matter had at least been sufficiently punished by being knighted. He was not going to discuss that because these honours came from the Sovereign, but what he regretted was that the Sovereign was not informed of the state of things before he conferred this honour. They still wanted to know why a prosecution was not instituted. It was no use saying that the law officers were against it, because no sensible persons allowed their legal adviser to advise such a thing as that: they simply said "take action." The Government should have said to the law officers "go on and prosecute." A prosecution should have taken place even though the Government knew they were going to fail, because if no prosecution took place other people would not be deterred from perpetrating these frauds. It was admitted that had this vessel been caught in a heavy storm or had accidentally grounded 800 or 1,000 valuable lives would have been endangered owing to this flaw in the rudder. He still hoped some further explanation would be given, because at the present moment the Admiralty were simply whitewashing these persons, who were acknowledged to be guilty. It was no use saying that all this was twelve months ago, because time did not run against the Crown in this case. Such people as these ought to be punished otherwise honest contractors had not a chance. Contractors who would do this work conscientiously had no opportunity, because men like these came in and underbid them, having no intention when they did so of doing the work properly. There was one word he would like to say with regard to these contracts. They had heard of contracts being given out with regard to which there had been no competition. A case was mentioned recently where a contract was given to a contractor at double the amount of the original contract, without any other tenders whatever being asked for. In public as well as private affairs—as was well known—the only chance of getting these matters criticised and considered by contractors was by advertising for tenders, and by so doing getting an honest contractor to do the work properly. He thought if they could have another Committee like that of Public Accounts to consider these accounts before they were paid, they would make a great advance in the direction of getting the national accounts in still better order than they were at present. He made no complaint against the Public Accounts Committee nor against the Comptroller and Auditor-General, who had done their work as well as the officials of the Departments would let them, and had done it in an exceedingly effective manner. After all, the principal duty of this House was to look after the breeches pocket, the people's money. Although this money was not their own the Department should consider it, and regard the expenditure of it in the same way as though they were spending their own money. He hoped next year the Government would give the House an opportunity of considering these matters earlier in the session, and not at the end of August after the Appropriation Act had been passed and when most Members had left town, and it was not likely to receive adequate discussion.

THE CHANCELLOR OF THE EXCHEQUER (Mr. ASQUITH), Fifeshire E.), in appealing to the House to bring the debate to a close, acknowledged that the discussion had been a fruitful one, and said he thought that the innovation of setting apart a day for the consideration of the Report of the Public Accounts Committee was a valuable precedent, and one which he hoped would be followed in the future. On behalf of the Treasury he recognised the admirable assistance which the Treasury received, in controlling the other Departments of the State which were responsible for the expenditure of public money, from the rigid scrutiny of the Public Accounts Committee, and, further, he thought it was not sufficiently borne in mind by the House, the enormous obligation which they were under to the Comptroller and Auditor-General, who was not a servant of any Department, but solely of this House. He suggested that the House ought not to pass away from the discussion without a unanimous acknowledgment of the Comptroller and Auditor-General's services. He hoped that with this expression of opinion the House might now be allowed to pass to the orders of the day.

Question put, and agreed to.

EXPIRING LAWS CONTINUANCE BILL.

Considered in Committee.

(In the Committee.)

[MR. CALDWELL (Lanarkshire, Mid.) in the Chair.]

MR. EVERETT (Suffolk, Woodbridge) moved to omit the Poor Rate Exemption Act of 1840 from the schedule of Acts to be continued in force. He said that by an Act passed in the reign of Queen Elizabeth it was provided that the overseers of every parish shall raise by taxation of every inhabitant such sums as they think fit—"to set the poor to work, to relieve the poor not able to work, and to put out poor children to be apprentices," and the overseers were to raise it out of the same parish "according to the ability of the same." This included ability from every source, surely the justest measure of what every inhabitant ought in fairness to be called on to pay. The Act passed in 1840, (3 and 4 Vict. c. 89) enacted that for the next ensuing year it should not be lawful to tax any inhabitant—"in respect of his ability derived from the profits of stock in trade or any other property"—with the exception of property of certain named kinds, as land, houses, tithes, coal mines and saleable underwoods. Thus personal property obtained an exemption which had been annually renewed to this day. He desired to call the attention of those who were to-day proposing revolutionary changes in local taxation such as were aimed at in the Scottish Valuation Bill, to this fact. Instead of proposing to revert the old and fair practice of rating according to "ability," they proposed to aggravate the existing inequality by assessing one, and only one, of the still liable kinds of property, viz., land, on its capital instead of on its annual value. He moved the omission of the Act of 1840, in order to call public attention—and especially the attention of struggling ratepayers—to the fact that a great mass of income in this country which under the Act of Elizabeth would be liable to pay rates to-day was only continued exempt by the renewing of the

Act of 1840 at the end of each Parliamentary session. The true line for local taxation reformers to take was to urge return to the old and fairer plan under which "ability to pay, from whatever source the ability arose, was the measure of the contribution levied on every inhabitant.

Amendment proposed.

To omit from the Schedule, "The Poor Rate Exemption Act, 1840." — (*Mr. Everett.*)

Question proposed, "That the words proposed to be left out stand part of the Schedule."

MR. ASQUITH said that every Parliament and every Government had coincided with the view embodied in this legislation. The true relations between personal and real property were important, and they would come up in a short time for consideration.

Amendment, by leave, withdrawn.

*MR. LUPTON moved the omission of the Vaccination Act of 1898 from the Schedule. His reason for doing so was that this Act, having made a partial attempt to define what vaccination was, provided that only glycerinated calf lymph or such other lymph as was approved by the Local Government Board should be used for the purposes of vaccination. One would have thought that if vaccination was to be performed by medical men the lymph used should be that which in the doctor's opinion was best. That, however, was not the case. The Local Government Board had gone to Germany in order to find the lymph with which to vaccinate the calf, and there was some reason for believing had reintroduced into this country the germs of small-pox, a disease which but for their action might have been now extinct. There was also reason for believing that other impurities and poisons had been introduced into the human blood from the calf lymph—among others, the germ of cancer, which was undoubtedly due to the substitution of calf lymph for humanised lymph, the use of which had been advocated by medical men for ninety years. There had been an enormous increase of cancer since the Act of 1898 had come into force, and there had been an increase of deaths by over 5,000 a year. If the House now stopped the inclusion of this Act in this Bill they would put an end to the greatest curse that existed at the present time. By its continuation they condemned every year thousands of children to fearful illnesses, and many to a lingering and painful death. He would be told that if the Act of 1898 was not renewed there would remain the Act of 1867, without mitigations contained in the Act of 1898, but this he did not mind. It was nine years since the 1898 Act was passed. The Act of 1867 was now obsolete, and no Government dare enforce it, so that the effect of not renewing the 1898 Act would practically be to abolish compulsory vaccination. He begged to move.

Amendment proposed.

"In page 5 to leave out lines 47 and 48."—(*Mr. Lupton.*)

Question proposed, "That the words proposed to be left out stand part of the Schedule."

*THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. JOHN BURNS, Battersea) said his answer to the hon. Member was that if he carried his Amendment certificates of exemption would be no longer possible, and as an anti-vaccinator he would be worse off. With regard to calf lymph he could only say that they were getting the best that could be obtained, and no consideration of economy would prevent them always getting the best.

Amendment, by leave, withdrawn.

Bill reported, without Amendment, read the third time, and passed.

PUBLIC WORKS LOANS BILL.

Considered in Committee.

(In the Committee.)

[MR. EMMOTT in the Chair.]

Clause 1:—

*MR. GRETTON (Rutland) moved an Amendment providing that the loans to be issued should not exceed £1,000,000 instead of £3,000,000, for the purpose of obtaining a reply to a Question which he put to the right hon. Gentleman on the previous day, and to which he had received no answer. This Bill, dealing with large amounts of this kind, was an extremely important one. He had not been able to refer to the current figures because they were not yet published, but upon looking at the report for the year 1905–6, he saw that the Government in that year were advancing loans of upwards of £2,250,000, that there was a standing debt of £50,500,000, that £134,000 of principal and £152,000 of interest had been written off as bad debts. He mentioned these figures to the Committee to show that the transactions were very large. He therefore submitted that when they were voting a considerable sum of money in a Bill like this they were entitled to some explanation of the general principles upon which these large sums were applied. Hitherto there had been no very great scrutiny of these items, but he thought notice should be taken of some of the very large sums which great local bodies had obtained from the Public Works Loans Commissioners, when they were quite able to raise the money they required on the market. He hoped the hon. Gentleman would be able to give an assurance that the Government was exercising some economy in the issue of these public loans, and that some check would be put upon the unlimited borrowings by public authorities from the Public Works Loans Commissioners. It had been the practice for many years for local authorities to get these loans without any serious investigation, check, or any careful regard to the way in which money so borrowed was spent. The present stringent condition of the money market constituted a great temptation for them to go to the Public Works Loans Commissioners, and he hoped some check would be put upon them. He begged to move.

Amendment proposed—

"In line 9, to leave out '3' and insert '1.'"—(*Mr. Gretton.*)

Question proposed, "That the word 'one' stand part of the clause."

MR. RUNCIMAN said that during recent years many restrictions had been placed on the granting of loans to public bodies, and only recently the Treasury had added two or three additional restrictions to those in force. No loans were made to any local authorities with a rateable value of £200,000 or over except in two or three instances, in connection with the Education Act of 1902, the Housing of the Working Classes Act, and another Act. The loans were made almost entirely to small local bodies not able otherwise to obtain money at anything like decent rates of interest. Every week these small local authorities came for paltry loans, and it was better to deal with them in the bulk by the Commissioners, whose powers were not abused. The restrictions in the last few years had diminished the number of loans they had granted.

Amendment, by leave, withdrawn.

MR. MOONEY moved to leave out the words "Public Commissioners of Works in Ireland." He said that on the previous day when he stated that these gentlemen were trying to get further power into their hands, the Secretary to the Treasury took exception to his remarks, and now he wanted some explanation as to this £700,000 which was to be placed in their hands. He submitted that the Public Works Commissioners in Ireland were not the proper body to administer any such sum as this. If his Amendment were carried it would not prevent this money being used for Ireland, but would simply ensure its administration by a proper body. The Public Works Commissioners in Ireland were a board of three gentlemen, two of whom were legacies left to Ireland by two former chief secretaries at £1,000 a year each, and the third an Anglo-Indian, who, to use a phrase of the present Chief Secretary for Ireland, represented nothing and nobody. He was not in favour of putting further power into the hands of these three gentlemen against the actions of whom they had had to protest time and again. It was a most extraordinary thing that the Government should pick out the most inefficient of all Irish Boards to administer the expenditure of this £700,000.

Amendment proposed—

"To leave out the words 'Public Commissioners of Works in Ireland.'"—(*Mr. Mooney.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

*Mr. REES (Montgomery Boroughs) said it was not a fair description of an Anglo-Indian to say he represented nobody and nothing.

Mr. MOONEY said it was not his phrase but that of the right hon. Gentleman the Chief Secretary.

*Mr. REES said the Chief Secretary could not have been serious seeing that his distinguished Under-Secretary and one of the Land Commissioners were Anglo-Indians and that Irish legislation owed so much to Indian precedents. It was not for him to express any opinion whether such precedents were or were not suitable, neither was it for every member of the Irish Party to disparage Anglo-Indians. Indeed he thought the Government of Ireland would be much more effective if they had a few more of them.

Mr. RUNCIMAN said that ever since 1878 loans had been made through the Commissioners of Public Works for Ireland. So far from this being an innovation it had been the practice for several years. Large sums had been paid by them in connection with all these various purposes. The only effect of the Amendment of the hon. Gentlemen would be to deprive the local authorities of Ireland of the power to borrow during the whole of next year except upon their own security. He quite agreed that the Irish Board of Works was not a very competent body, but as the law now stood it was the only body which could lend money in Ireland for the ordinary purposes of local government. He therefore appealed to the hon. Gentleman to withdraw his Amendment.

Amendment, by leave, withdrawn.

Clauses 1 to 6 agreed to.

Clause 7 :—

Mr. MOONEY said he desired to move the rejection of the clause, and after the hon. Gentleman's own description of this Board he did not see how he could refuse to accept the Amendment. The clause had been inserted in pursuance of a promise made to the House. What he objected to was that when they asked for something to be inserted in the Bill something more was put in than they had asked for. These Commissioners were attempting to get into their hands more power than they had at present, and this was only another instance of that kind of endeavour on their part. In this measure the Commissioners had attempted to get control of money that was voted for another purpose altogether. The work was being done without the intervention of these three gentlemen at all, and he could not see what necessity there was for putting into an Act of Parliament a provision giving them powers which they had not had up to the present time, or the exercise of which did not require a clause in an Act of Parliament. For these reasons he opposed Clause 7 altogether.

Mr. RUNCIMAN said in reference to the navigation works to which the hon. Member alluded, the Bill was introduced by the Irish Office and it was a measure promoted by the Irish Board of Works, the Treasury having nothing to do with it. So far as he was concerned personally, he washed his hands of it altogether. Clause 7 had been introduced at the request of the Public Works Loans Board themselves; he could assure the hon. Gentleman that it had been inserted at their request. The powers under which they might have made loans had been quite obsolete in recent years. They had made no loans whatever, and they had got rid bit by bit under the Acts passed by that House of all powers to make loans in Ireland, with the solitary exception of those mentioned in Clause 7. The Public Works Loans Board were anxious that all the powers should be transferred to the Commissioners of Public Works for Ireland, and it was at their request that the clause was inserted. He did not see why the hon. Gentleman should object in any way; on the contrary, they were allowing powers which had become obsolete in the past some chance of being operative in the future.

Mr. MOONEY said he did not press the omission of the clause, but the hon. Gentleman had made a charge against him of having made an inaccurate statement regarding the action of the Commissioners of Public Works. That statement was founded on Subsection (b) of the Bill before the House, and he merely wanted to point out that the Bill, which was wanted by the whole of Ireland, was dropped when action was taken by these Commissioners.

MR. RUNCIMAN gave an emphatic denial to every statement made by the hon. Member with reference to the navigation works. This Bill, he said, had been accepted by the Government as a Government Bill, and nothing had been inserted in it other than what appeared when it was printed and circulated.

MR. MOONEY said that that was not the statement that he had made. What he said was that this Bill gave the Commissioners control over public money which, before the Bill was printed, was vested in other departments in Ireland, and owing to the Commissioners trying to get control of this money the Bill had to be dropped.

MR. RUNCIMAN: That is not so.

Clause agreed to.

Bill reported, without Amendment; read the third time, and passed.

VACCINATION (SCOTLAND) BILL [LORDS].

As amended, considered; read the third time, and passed, with Amendments.

WHALE FISHERIES (SCOTLAND) BILL.

As amended, considered.

MR. BOWLES said he desired on behalf of his noble friend the Member for the Chorley Division of Lancashire to move in Clause 1, before 'manufacture' to insert 'primary.' He did not know whether the right hon. Gentleman the Secretary for Scotland desired to accept it. Apparently an agreement had been come to last night by which some words were to be inserted to protect from the operation of the Bill certain manufactures, in many parts of Scotland, from various whale products. The right hon. Gentleman had said that the Bill only referred to those manufactures of whale products which were primarily and directly from the carcase of the whale, and he seemed to think that that was provided for in the clause as it now stood. He did not think that that was really so; at any rate they on that side of the House did not think so.

Amendment proposed—

"In page 1, line 6, after the word 'the,' to insert the word 'primary.'"—(*Mr. Bowles.*)

Question proposed, "That the word 'primary' be there inserted in the Bill."

THE SECRETARY FOR SCOTLAND (Mr. SINCLAIR Forfarshire) said he proposed to insert the word "primary" in another place, and suggested that it should be in line 7.

MR. BOWLES asked leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 1, line 7, after the word 'other' to insert the word 'primary.'"—(*Mr. Sinclair.*)

Question, "That the word primary be there inserted," put, and agreed to.

MR. SINCLAIR said that in the discussions which had taken place on Clause 3, Sub-clause 4, it had been suggested that licensed persons should not be in the same position as unlicensed persons, and he proposed therefore to submit certain Amendments of the clause. He moved to leave out the words "holder of a licence or."

Amendment proposed—

"In page 3, line 30, to leave out the words 'holder of a license or.'"—(*Mr. Sinclair.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. BOWLES asked whether the words "by him" ought not also to be omitted?

MR. SINCLAIR: Yes; the hon Member is quite right.

Amendment agreed to.

Amendment proposed—

"In page 3, line 30, to leave out the words 'employed by him.'"—(*Mr. Sinclair.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. FORSTER (Kent, Sevenoaks) said he was very glad that the right hon. Gentleman had made this alteration in the Bill, for it was a very distinct improvement.

Amendment agreed to.

Amendment proposed—

"'In page 3, line 32, to leave out the word 'or' and insert the words 'and no holder of a licence or persons employed by him shall pursue, kill, or shoot at any whale."—(*Mr. Sinclair.*)

Question proposed, "That the word 'or' stand part."

Question put, and negatived.

Bill read the third time, and passed.

NOTIFICATION OF BIRTHS BILL.

As amended (by the Standing Committee) considered.

*MR. BERTRAM (Hertfordshire, Hitchin) said he desired to ask the House to recommit this Bill for reasons which he would state shortly. He shared to the full the view of the noble Lord who was responsible for this Bill as to the desirability of doing all they could to limit the high infant mortality which obtained at the present time, but it was because he felt sure that the Bill would not effect that object that he took the extreme course of moving its recommittal. The reasons which lay at the root of the question of infant mortality were not touched by this measure. The first point which he wished to raise was as to the authority to whom notification was to be made of the birth of a child. The second point was whether, failing the father of the child, liability was to rest on any person in attendance on the mother. It was because he understood that the noble Lord had tabled an Amendment which the Government had accepted excluding medical men from the operation of the Bill that he moved the recommittal of the Bill. The Amendment to which he wished to invite the attention of the House dealt with the case of the midwife, for whom there was no substantial body of opinion in that House ready to speak. The House should bear in mind that no less than 70 per cent. of the births among the working classes were attended by midwives without the intervention of a medical man. Under the provisions of the Midwives Act of 1902 a body was constituted called the Local Supervising Authority, who were charged with very large, extensive, and minute powers in relation to midwives. This authority was doing a most valuable and important work. It was the only authority which the midwives knew, and it would surely be desirable to employ an authority to receive notification which was already known to them. There was a provision that the Act might be adopted in every county borough, and in every county borough at this moment the Local Supervising Authority under the Midwives Act and the district local authority coincided, but in a county like Hertfordshire, the medical officer of the Local Supervising Authority was not the same person as the medical officer of the local authority, and the midwives knew the former as the person to whom to notify still-births. He desired to see the Bill made simple in its working so that midwives might be able to comply with its requirements. That, he thought, as an administrative point, was one of first-class importance. Then there was the question whether notification should be made by a person in attendance at the time of the birth.

*MR. SPEAKER: I have been carefully listening to the hon. Member, and I have not heard any argument that goes precisely to the point that this Bill should be recommitted. All the suggestions he has made should have been made on the Report stage. Why is it necessary to recommit the Bill?

*MR. BERTRAM said he was only asking the House to recommit it on the ground that this point of the authority which ought to be notified was not the subject, so far as he could judge, of any prolonged discussion in the Standing Committee upstairs and no Amendments were suggested. A new clause had been brought down by the President of the

Local Government Board, and, according to the Report of the Committee, it was read a second time and added to the Bill.

*MR. SPEAKER: The hon. Member must show some reason for recommitting the Bill, and up to the present has not done so.

*MR. BERTRAM said he did not desire to waste the time of the House, but it was almost impossible to divorce these questions.

*MR. SPEAKER: If it is impossible to make the changes which the hon. Member desires, what is the good of recommitting the Bill? It is open for the hon. Member to move Amendments on the Report stage.

*MR. BERTRAM said under the circumstances he would not move.

MR. A. L. LEVER (Essex, Harwich) moved to leave out of line 11 on page 1 the word "and" in order to insert the word "or." His desire was that those in a humble sphere of life should not be unnecessarily hampered by undesirable and vexatious regulations. He thought all that was desired could be achieved by a slight alteration in the registration law reducing the period of six weeks now allowed for registration to fourteen or even seven days. Personally he disliked the Bill from beginning to end, and he did not see why the clauses should be so drafted as to be unnecessarily vexatious and annoying. He could not see what advantage was going to be derived from this multiplicity of notification. He would have thought that one notification was sufficient, and that by the father if he so desired. The President of the Local Government Board had already laid down in the debate on the Vaccination Bill that it was the duty of the father to carry out his parental duties when the child was very young. Surely when the child was only a few days old the father was the right and proper person to have the sole privilege if he wished of notifying the birth of his own child. He hoped the right hon. Gentleman would accept this Amendment.

The Amendment was not seconded.

*MR. BERTRAM moved to amend Clause 1 (provisions for the earlier notification of births) by leaving out the words which would impose upon the midwife the duty of sending the notification of a birth to the medical officer of health of the district. He questioned the wisdom of laying this new obligation upon women, many of whom were illiterate, and all of whom had already sufficient duties to perform. There were over 22,000 midwives practising in England and Wales, and by far the larger number of them were untrained women who had been registered under the Act of 1902 because at the time there were no other women to take their place. An enormous number of these women were quite illiterate and unable to read or write. They performed a most difficult task and were making every endeavour to comply with the regulations to be clean and use antiseptics. The great difficulty in the administration of the Midwives Act was that 90 per cent. of the penal cases, in which there had been a failure to give proper notice to the medical officers and the local supervising authorities, were due simply and solely to the fact that these poor women could neither read nor write. Under this Bill they had to notify every birth in fifty-three out of the sixty-two counties in England and Wales to a strange authority. If they laid upon the midwives this new obligation they would find either that this Act would be inoperative or they would drive all these women off the roll. If they laid a burden on these women which they could not stand they would resign. They could not afford to risk that result with the midwives of this country. There was nobody at the present time to take the place of these women, because the examinations and training centres set up under the Midwives Act of 1902 had only had three years existence, and they had not trained sufficient new women to take the place of these untrained midwives. They had been told that their duties would be rendered easy by providing them with postcards, but there was nothing new in that, because they had been supplied with similar aids ever since the Act of 1902 came into force. These women could not write and they had to get somebody to write for them. He asked the House and the Government to consider the enormous difficulty women in London would have under this Bill, where the county council was now the only authority to be notified. He had been to the offices of the London County Council and even their council's inspectors when they came to write out their reports were not always quite sure which particular borough council area the streets were in without consulting the map. Under this Bill notification must be given not to the County Council but to the borough council within which the birth took place. How was it possible for a midwife visiting three or four patients to find out in which particular borough council area her patients resided? This was a great hardship to place on these women without fee or reward, and it was the duty of the father to make the notification.

Mr. BRUNNER (Lancashire, Leigh) seconded the Amendment.

Amendment proposed—

"In page 1, line 11, to leave out from the word 'occurrence' to the word 'to,' in line 13.'"—(*Mr. Bertram.*)

Question proposed, "That the words 'and of any person' stand part of the Bill."

The PARLIAMENTARY SECRETARY to the LOCAL GOVERNMENT BOARD (Dr. Macnamara, Camberwell, N.) pointed out that the effect of the adoption of the Amendment would be that, if the father was not actually resident in the house at the time of the birth there would be no notification at all. He reminded his hon. friend the Member for the Hitchin Division that midwives already notified births under the Midwives Act, and, as they were to be supplied with prepaid letters or postcards for the purposes of the present Bill, he did not think they were imposing upon these women any very difficult new duty. All the midwife had to do was to write the name of the child on one of these postcards and drop it into a letter box, and there her obligation ended. He thought his hon. friend had somewhat magnified the hardship.

* Mr. ADKINS (Lancashire, Middleton) failed to see how they could possibly carry out this slight but valuable experiment in social reform if they limited the persons who were to give notice to the father. He agreed that if they were placing a new duty upon midwives it should be done in the most convenient way. The county councils were not only the authorities under the Midwives Act, but they were also doing extremely useful work in promoting the education of midwives and trying to get a superior class of women to undertake this work. He did not think the arrangements which the county councils had made should be interfered with by this Bill without a proper hearing being given to them. His vote on this question would turn upon the answer the President of the Local Government Board was able to give upon this question of machinery. In some large towns it might be more convenient for the midwives to report to the district officers of health, because in some towns machinery already existed for carrying out the benevolent objects of the Bill. He asked the right hon. Gentleman so to amend the Bill that every county council would have the opportunity of adopting the Act for the whole or part of their area. The County Councils Association desired that county councils should be able in any case to argue before the Local Government Board as to whether they or other councils of borough or district were the proper authority. If he was assured that the *locus standi* of the county councils would be preserved then he would vote against this Amendment, because he thought the Bill ought to be tried, but it should be tried in the most convenient way possible. In some parts of the county the district authority was the best, whilst in other parts the county authority was the most convenient, and this kind of flexibility ought to be applied to the Bill. The Bill ought to be made to work with a minimum amount of trouble to the poor people who would come under its provisions, and it ought to be done without increasing to any unnecessary extent the complexity of local administration.

* Mr. JOHN BURNS said that when they reached the appropriate place in the Bill he would be ready substantially to adopt the suggestion made by his hon. friend the Member for Middleton. The hon. Member for the Hitchin Division had made a very strong appeal to the House not to place any additional burden upon midwives which might tend to these women abandoning their profession. He thought the hon. Member had needlessly emphasised the illiterate character of midwives, because the picture he had drawn of them to-day was more like the Mrs. Gamp style of midwife of fifty or sixty years ago.

*MR. BERTRAM said he had merely related his experience of cases which had come within his own observation.

*MR. JOHN BURNS said his knowledge of the poor had been like Mr. Weller's, "extensive and peculiar," and he knew something of the midwives in the Metropolis. The hon. Member had drawn a moving picture of the hardship that would arise through the midwife having put upon her the responsibility of filling up a printed postcard, stamped and addressed, which she had only got to sign or get somebody to sign for her, notifying the birth she had attended of a child whether alive or stillborn. The hon. Member supported this delightful picture of illiteracy by saying that the midwife had sufficient duties already to perform, and that she had at present to do a similar thing in the way of notification. If she had to notify a medical officer now in the case of a stillborn child, why could she not do the same under this Bill, and fill up a small postcard for the birth of a child that was not stillborn. To him there was nothing more extraordinary than the manner in which the poor people were availing themselves of the facilities offered to them for education. In 1876 there were no less than 148 per thousand of the husbands of working class women who when they were married had to sign their marriage certificate with a cross, but in 1905 the proportion was only sixteen per thousand. With regard to wives in 1876, 199 per thousand attested their marriage certificates with a cross, but in 1905 the proportion was only twenty per thousand. When they remembered that as far as education went the average midwife was more intelligent than the average working-class wife, he did not think the hon. Member had much of a case to support his Amendment on the score of illiteracy. He hoped his hon. friends would not press their Amendment, which would destroy the usefulness of the Bill, but would join in giving the Government the opportunity of making this humanitarian experiment. Let them have a year or two of experience in endeavouring to stop this dreadful and shameful infantile mortality which had become the curse of our industrial centres. With regard to any representations made by local authorities to the Local Government Board the House could rely upon the line of least resistence being pursued in order to achieve the desirable object they had in view.

*MR. LUPTON said they all wanted to diminish infantile mortality, but he doubted whether it could be done by compulsory enactments of a severe character. Compulsory enactments often defeated their own purpose, and under this Bill there was a danger of people being deterred from aiding a woman in the hour of her direst need, lest they should be subject to a fine. As the Bill stood, every person who attended upon the mother was under an obligation to send the notice—the sister, the daughter, the niece, the neighbour, the midwife, the doctor, the doctor's assistant—every one of them was ordered to send this notice, and every one of them was liable to be prosecuted and fined 20s. and costs if he or she failed to give this notice. It was quite true that the section went on to say that a person should not be convicted if he or she satisfied the Court that he or she had good reason to believe that the notice had been sent by someone else; but (with the exception of the medical man) how could one of these poor people satisfy the Court? They did not know how to give evidence; probably none of them had ever been in a court of justice before. The law did not permit them to get the services of a friend who could speak for them; they could only employ a lawyer, and that they could not afford. They would be summoned, convicted and fined, and probably they would not know what it was all about. They would not know that they were being tried; all they would know was that they were pushed about by the police, and told they must pay so much money or go to prison. Even if they knew how to defend themselves, and had a good defence, that might not avail them, because the clause did not say that they should not be convicted if they proved that they had good reason to believe that someone else would send the notice; it said they must satisfy the Court, and they had abundant experience in another class of cases that the Court often refused to be satisfied with the plainest evidence. The effect of the fear of all these penalties would be to deprive a poor woman of aid in her direst need, because everybody who went near her would be liable to this penalty.

MR. RADFORD (Islington, E.) said he was entirely in favour of the principle of this measure. He believed that the President of the Local Government Board had been encouraged by what might be called the unexpected success of the Midwives Act. That measure had certainly been of great utility to the community. Before voting on this Amendment he would like to know from the right hon. Gentleman whether it was the intention of the Government to accept the Amendment which was to be moved by the noble Lord the Member for East Marylebone exempting the medical profession from the duty imposed by this section.

*MR. SPEAKER: That is the next Amendment on the Paper which we shall reach in due course.

MR. RADFORD said the reference which had been made to the increase of education in this country was extremely interesting and encouraging. It would have been more relevant to the subject if the right hon. Gentleman had given some information as to the number of midwives employed as compared with medical practitioners. He was satisfied that in the county of London the number of midwives employed to attend births was small as compared with the number of doctors. He did not think he was far wrong when he said that 90 per cent. of the cases were attended by members of the medical profession. If medical practitioners were exempted from the duty of giving notification of births, only those cases attended by midwives, amounting to 10 per cent. of the whole, would be notified, and the question was whether it would be worth while imposing this duty upon them. In London there were twenty-nine borough councils, and difficulties would arise as to the authority to which the notification should be sent, because the different areas were not separated by natural frontiers. The areas ran into one another, the middle of a street often being the boundary line. It would not be at all easy for a midwife or anyone else to give notice to the proper authority.

Amendment negatived.

LORD R. CECIL (Marylebone, E.) moved an Amendment, which he said was intended to relieve medical practitioners from the obligation to notify under this Bill. He regretted that it was necessary to move the Amendment. The case which the medical profession made was that the Bill would impose a new professional duty upon them without payment. He was advised that it would risk the success of the measure if they inserted a provision for the payment of a fee to the medical practitioner. There was something to be said for the objection to the Amendment that it would set up a distinction as between the doctor and the midwife. It might be asked, if the doctor is to be free in this matter why not the midwife? He thought the answer was that the midwife had recently received from Parliament very important privileges under the Midwives Act of 1902, and that she was already under an obligation to send a notification of this character to the supervising authority. To require that she should also send a postcard on this matter would be of very great advantage to the State. A doctor after a birth went away for some little time, and as some doctors had a great press of practice the duty of giving notification would put additional work upon them. That was not the case with the midwife who was a longer time with the patient. Personally he could not say that he had any great liking for it, but under the circumstances he trusted the House would accept the Amendment.

COLONEL SEELY (Liverpool, Abercromby) seconded the Amendment.

Amendment proposed—

"In page 1, line 12, after the word 'person,' to insert the words 'other than a medical practitioner.'"—(*Lord R. Cecil.*)

Question proposed, "That those words be there inserted."

MR. JOHN BURNS said the Government reluctantly accepted the Amendment. It was a matter to him of extreme regret that a great, honourable, and charitable profession, which signalised itself with great earnestness at the commencement of this beneficent movement for the reduction of infantile mortality, should ave almost at the last hour practically lissociated itself from it. Through ts representatives in the House, the nedical profession had asked to be dissociated from co-operation with other eople in this measure. He regretted it. Ie believed the best of the doctors would leplore it, and that a large number of hem, notwithstanding that they were ormally struck out of the Bill, would efuse to dissociate themselves from he rest of mankind in making this xperiment. He still believed that the loctors were greater than their trade inion, and better in this case than the narrow view their profession imposed ipon them. He trusted that when this Bill had been in operation a year they vould be in a kindlier and better mood, vorthier of the great profession to which hey belonged, and that they would ask o come in under some amending Bill to o-operate with the midwife, the nurse, nd the parents in bringing about a eduction of infantile mortality in the great cities and towns of this country.

MR. ESSEX (Gloucestershire, Cirencester) said he had never heard a weaker argument used by the right ion. Gentleman than that which ne had given for accepting the Amendment. He had always thought that the right hon. Gentleman had the courage of his opinions; but he had given no reason why this wealthy trade inion should not be called upon to make a return. The right hon. Gentleman, of all persons—might he be forgiven!—ran away from the poor women. The President of the Local Government Board had expressed the hope that the public spirit of the medical men would induce hem yet to come into line. He wished hat the right hon. Gentleman could get hem to do so. If he could get one ther Member to go into the lobby gainst this proposal he would vote gainst it. The action of the Government was extremely disappointing.

MR. RADFORD said that he also regretted to hear the remarks of the right on. Gentleman, and he would be very leased if the House refused to allow m to accept the proposal of the noble ord, reluctantly or not reluctantly. ne right hon. Gentleman had not ven any reason whatever why the nendment should be accepted, while the noble Lord had moved it in such a way as showed the House that he was almost ashamed of his clients. Was the signing of a mere postcard too heavy a burden to impose on the medical profession?

*MR. BERTRAM said that the noble Lord had offered some extraordinary arguments in support of excluding medical practitioners from the provisions of the Bill, and of including midwives as some kind of return for the *status* which had been conferred upon them by the Act of 1902. He would remind the noble Lord that that *status* such as it was was conferred upon the midwives without their being asked; and that the result had been that an enormous number of them had lost their means of livelihood, while those admitted to the roll were subjected to very necessary but exacting regulations.

LORD R. CECIL said he thought that the hon. Member was really going too far. Thoe midwives who were able to get on to the roll had obtained very considerable means of livelihood.

*MR. BERTRAM said that it had entailed upon them a considerable amount of expense, and had given them in return no particular *status.* He thought that the Government had not done any good by accepting the Amendment, and he hoped that the House would reject it by a large majority.

*MR. LUPTON said that both the noble Lord who moved it and the President of the Board of Trade who accepted it were against the Amendment, which he hoped the House would not accept. The person most competent to give the notice was the medical attendant, and it would not take more than a minute to fill in the postcard. He had doubts whether this measure, being compulsory with penal clauses, would have the effect of diminishing the infantile death rate.

*DR. COOPER (Southwark, Bermondsey) said he wished to assure the right hon. Gentleman and the noble Lord that the non-payment of a fee was not the ground of the opposition to the Bill by medical practitioners. Nobody knew better than the right hon. Gentleman that he had done his best to get midwives excluded with medical men from penalties under this Bill, and any blame because the former remained in the Bill must rest with the right hon. Gentleman and the noble Lord the Member for Marylebone. It was the penalty to which the medical profession had always strongly objected.

MR. BURNS: No.

*DR. COOPER said that both those hon. Members received a deputation from the British Medical Association on the subject, and Sir Victor Horsley put it plainly and distinctly that it was the penalty clause to which they strongly objected. Sir Victor said that a new duty was being placed on the medical profession, which was a civil duty, under a penalty for non-performance. They did not think that it was any part of their duty to notify a birth. The avocation of medical practitioners and midwives made them acquainted with certain facts, and because they knew these facts the State now required them to make the notification. He repeated that it was largely the penalty which induced the medical practitioners to oppose the Bill.

LORD R. CECIL: The hon. Member must surely forget some conversations we have had.

MR. JOHN BURNS: Hear, hear.

*DR. COOPER said that the medical profession felt that the notification was the duty of the parent; that it was a civil duty pure and simple. He complained that this Bill had been rushed both through the House and the Committee without adequate discussion. [AN HON. MEMBER: That was another Bill.] This Bill was based on the Notification of Infectious Diseases Act, under which if a child was suffering from a disease the medical man was bound to notify the fact under a penalty, but there was a fee attached. Well, he saw no reason why the medical man should not receive a fee, for doing the State's work. They could always be generous at the expense of a noble profession. The administration of the Infectious Diseases Notification Act showed that under this Act it was the medical man who would be summoned and not the parent. While the medical man would be summoned the parent would get off. It was a most offensive thing to ask the medical profession to notify under a penalty when it was the duty of the parent to do so. As the first chairman of the Midwives Committee of the London County Council he knew how badly midwives were paid, and the Amendments he had placed on the Paper showed that he had always asked that both medical practitioner and midwife should not be required to notify, and as they received no fee for notifying he did not see why they should be exposed to penalties.

MR. SHERWELL (Huddersfield) thought the House should hesitate to divide against the Amendment. They were all agreed in desiring that the doctors should be included but, unhappily, the doctors themselves, through their representatives, had strongly opposed the proposal and in order to save the Bill, and to secure facilities from the Government, the promoters of the Bill had reluctantly agreed to exclude them. That being so, he and some of his friends were under an honourable obligation to support the Amendment. The House should remember, however, that the doctors would, in any case, be supplied with the notification forms and the provisions of the Act would be brought to their attention, and he had sufficient faith in the medical profession to believe that, even if no legal obligations were put upon them, many of them would willingly co-operate with the local health authorities in carrying out the provisions of the Bill. It had been objected that it was unfair to exclude the doctors, while including the midwives, but while he personally would have preferred to see both included, he must point out to the House that experience in Huddersfield had shown that it was more important to include the midwife than the doctor. In Huddersfield, where, under a special Act, compulsory notification had been in force for nine months, he found that only 20 per cent. of the births were notified by doctors as against 34 per cent. notified by midwives. He preferred, therefore, to accept the Amendment rather than jeopardise the chances of the Bill by dividing against it. Experience had already shown the great value of early notification. During the nine months in which it had been in operation in Huddersfield the rate of infantile mortality had averaged only 85 per 1,000 births as against an average rate of

118 per 1,000 during the previous ten years. No doubt the present year had been a very favourable one from a public health point of view, but the period of ten years which he had chosen for comparison also included favourable years, and, when all proper allowance was made, it must be admitted that a reduction of 33 per 1,000 was a powerful suggestion of the value of early notification.

MR. ROWLANDS (Kent, Dartford) thought the reasons advanced by the hon. Member were not sufficient for accepting the Amendment and did not think they could accept the figures which had been put forward. He regretted that the authors of the Bill had not the courage of their convictions. If the Bill was justified in regard to the reduction of infant mortality he thought the medical profession were wrong in asking that they should be left out of it. He objected to midwives being put under the penal clause, as well as the medical profession.

MR. SEDDON (Lancashire, Newton) said they were told by both the mover and the seconder of the Amendment that they objected to the principle expressed in it, but rested on the unanimity of opinion in the medical profession against it. He would be the last to say a word against the medical profession as a whole, but it was safe to say that the medical profession had asked the House on more than one occasion to protect the profession against the action of some of its members. The hon. Member for Huddersfield said he was pledged to an honourable undertaking which had been given to the doctors of this country. He would like to know by whose authority such an undertaking was given. Under all the circumstances he hoped that the hon. Member who had just suggested that this should be carried to a division would insist upon it, in which case he would gladly vote with him.

*MR. BYLES (Salford, N.) said they were asked to put certain words into the clause by hon. Gentlemen who had not a word to say in their favour, and they were asked by the Minister in charge of the Bill to accept this Amendment which he had been ashamed to bring foward and for which he had made no kind of defence, expressing instead some high-flown sentiments about the honour of medical men as a whole.

MR. JOHN BURNS said he gave a more substantial reason for this Amendment than that. What he said was that if the Amendment was not accepted there would be no Bill. There was not very much sentiment about that.

MR. BYLES said he saw no reason why the progress of the Bill should be jeopardised if these words were not inserted. It was not a Party question, and it was obvious that the House did not wish to insert the words. They desired to place medical men in the same position as midwives. He trusted the House would go to a division.

MR. BOWLES said before they went to a division he would like to know how the House stood. As he gathered from the statements that had been made many Members were in favour of these words not being inserted. That being so, if the House divided and this Amendment was lost was the House to understand that the right hon. Gentleman would drop the Bill? That seemed to be the question. A good many Members would prefer to have the Bill with this Amendment rather than not to have the Bill at all. That was the dilemma and that was why he asked whether the right hon. Gentleman intended to drop the Bill if the Amendment were lost.

MR. ALDEN (Middlesex, Tottenham) asked whether the Government would consider the question of including the medical men, provided they were paid a fee, such as they were paid in Huddersfield. Would the right hon. Gentleman be prepared to consider that, because he knew in that case a great many doctors would immediately consent?

*DR. MACNAMARA said the medical profession would hardly be grateful to their advocates, who had succeeded in making it appear that they declined to carry out a professional act because they were not to be paid a fee of one shilling. That was not the case. The medical profession objected to being subjected to a penalty in respect of what was a civil and not a professional obligation. But they put their objection on a higher ground than that. Their function in the birth chamber was a professional one, and it was not for them to scatter broadcast notifications of births. He thought they might have undertaken this duty and their refusal to do so had, he thought, cast an aspersion upon a great and noble profession besides putting the midwives in a higher position. The hon. Member for Norwood had asked whether the Government would drop the Bill if this Amendment was rejected. That was not the question, but he had been informed that if the doctors were included there would be such a powerful opposition to the Bill in another place as would endanger the progress of the Bill at this stage of the session. He thought the Bill would be worth a great deal even if the medical profession were excluded from its provisions. The question was whether it was worth saving. He thought it was, and therefore he made an earnest personal appeal to his hon. friend not to press for a division.

MR. CORRIE GRANT (Warwickshire, Rugby) said that if the Bill was imperilled by the rejection of this Amendment it would be imperilled in another place. Let another place look after its own affairs. They were in danger in this matter of imperilling the justice of this House. It was most important that this House should be just. Here they had a number of poor women, many of them illiterate working for a small fee among the poorest of the poor. They were to be subjected to this penalty while the medical profession with all its ability was to be exempted from the provisions of the Bill simply because their trade union had threatened the Government with what they would do in the House of Lords if the Amendment were not accepted. The House of Commons was not likely to listen to such arguments as that. They should do what they thought was right, and let the other House take care of itself.

LORD R. CECIL said that if any intimation regarding another place had reached the Government it had not come through him. He had no reason to suppose that the other House would take any particular view about this Amendment one way or the other. He was told that unless the medical opposition to the Bill was withdrawn the Government could not see their way to "star" the Bill. He therefore approached the Government and asked them whether they would assent to any Amendment of this kind. He then went to the representatives of the medical profession in the House, and they agreed to withdraw their opposition if he moved such an Amendment as this and it was accepted by the Government. If, therefore, this Amendment was rejected, he would feel bound to do his best to prevent the Bill from going further. He thought the Government were also bound by that understanding. They could not have gone on with the Bill without the consent of the doctors, and if the Amendment were rejected they were honourably bound to abandon the Bill.

*DR. COOPER said the noble Lord had approached him, and not he the noble Lord, and he withdrew his opposition to the Bill on the understanding that the Government would agree to the insertion of these words.

*MR. JOHN BURNS said the noble Lord had accurately stated the arrangement made between himself and the medical profession. It was true, as the noble Lord had said, that there would have been little chance of this Bill's being passed this session but for some understanding on the noble Lord's part and on his own with the doctors as to the conditions under which it should be passed. But they could not by an understanding or bargain between themselves withdraw the Bill from the purview of the House when perhaps there might be a chance of getting the Bill through. Personally he declined to accept the attitude in which the hon. Member for Bermondsey wished to place him. It was all very well to say that the doctors now did not want the fee. Had his hon. friend told the noble Lord and himself that before the necessity for a bargain of the kind referred to would not have been necessary. It seemed to him that if he had to choose whether this Bill should be lost and a million children in the next year placed under the disability that was imposed upon them by the hon. Member for Bermondsey, who he did not believe represented the medical profession in this matter, or leave it to the House, he appealed to the noble Lord to exonerate him from any breach of agreement, and to leave the matter to the good sense of the House.

Lord R. CECIL said that he was sorry that the right hon. Gentleman and himself did not take the same view of this obligation. So far as he was concerned he felt absolutely bound by the obligation he had come under. That was not the Government's view, and therefore he appealed again to the House of Commons to honour an obligation which he had entered into on their behalf, but which he quite admitted he had no authority to enter into.

Mr. VERNEY (Buckinghamshire, N.) said that until that day he had no idea whatever that there was any compact with the medical profession as a whole in this matter. He would have hesitated to enter into any such compact. He and others were supporting the Bill because the awful infant mortality which took place in this country would be called infanticide in any other. It was an evil which everything should be done to prevent.

*Mr. LUPTON said a good many of them were of opinion that the million children which had been spoken of would have an infinitely better chance of living if they were left to the care of their parents and friends with the intervention of the Government or the local authority.

Mr. MASTERMAN (West Ham, N.) asked whether if this Amendment were rejected the Government would give further time to the measure. If the Amendment having been rejected by this House was put into the Bill in another House would they still continue to give time? Everybody wanted the Bill, and unless he could be assured that time would still be given in the event of this Amendment being rejected, he, being one of the parties to the undertaking referred to, would be compelled to vote with his noble friend.

*Dr. COOPER asked the noble Lord to give way on this point, and he for his part would raise no objection to the House's passing the Bill in its present form. When he withdrew his Amendments it was on the distinct understanding that the Government would adopt the noble Lord's Amendment and the Bill become a Government measure and "starred." If he had not withdrawn his Amendment the Bill would not have been "starred." Therefore the onus of the bargain rested entirely with the President of the Local Government Board.

*Mr. JOHN BURNS thanked the hon. Member for releasing both the noble Lord and himself from any supposed understanding.

Lord R. CECIL reminded the House that he had come under a similar obligation to other hon. Members besides the hon. Member for Bermondsey.

Sir HENRY CRAIK (Glasgow and Aberdeen Universities) said he was placed in a difficult position, but if the hon. Member felt himself at liberty to release him from his obligation he would not place any obstacle in the way.

Question put.

The House divided:—Ayes, 19; Noes, 87. (Division List No. 458.)

AYES.

Balcarres, Lord
Bowles, G. Stewart
Bull, Sir William James
Cave, George
Cooper, G. J.
Corbett, C. H(Sussex, E. Grinst'd
Craik, Sir Henry
Fell, Arthur
Forster, Henry William
Harris, Frederick Leverton
Horniman, Emslie John
Lamont, Norman
Napier, T. B.
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
Rainy, A. Rolland
Sherwell, Arthur James
Stanley, Hn. A. Lyulph(Chesh.)
Valentia, Viscount

Tellers for the Ayes—Lord Robert Cecil and Mr. Masterman.

NOES.

Adkins, W. Ryland D.
Alden, Percy
Baker, Joseph A.(Finsbury, E.)
Bertram, Julius
Birrell, Rt. Hon. Augustine
Bowerman, C. W.
Branch, James
Brigg, John
Byles, William Pollard
Causton, Rt. Hn Richard Knight
Chance, Frederick William
Cherry, Rt. Hon. R. R.
Clarke, C. Goddard (Peckham)
Cleland, J. W.
Clynes, J. R.
Collins, Stephen (Lambeth)
Cremer, Sir William Randal
Crooks, William

Dickinson, W. H. (St. Pancras, N.
Elibank, Master of
Essex, R. W.
Esslemont, George Birnie
Ferens, T. R.
Fletcher, J. S.
Fuller, John Michael F.
Gill, A. H.
Gooch, George Peabody
Grant, Corrie
Hazleton, Richard
Henderson, Arthur (Durham)
Henderson, J. M. (Aberdeen, W.)
Higham, John Sharp
Hobart, Sir Robert
Howard, Hon. Geoffrey
Illingworth, Percy H.
Jackson, R. S.
Jones, William (Carnarvonshire
King, Alfred John (Knutsford)
Lambert, George
Lardner, James Carrige Rushe
Lever, A. Levy (Essex, Harwich
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lundon, W.
Lupton, Arnold
Macdonald, J. M. (Falkirk B'ghs)
Mackarness, Frederic C.
Macnamara, Dr. Thomas J.
MacVeigh, Charles (Donegal, E.
M'Callum, John M.
M'Crae, George
Maddison, Frederick
Morrell, Philip
Morton, Alpheus Cleophas
Murray, James
Nannetti, Joseph P.
Nicholson, Charles N. (Doncast'r
Nolan, Joseph
Norton, Capt. Cecil William
O'Connor, T. P. (Liverpool)
O'Grady, J.
Parker, James (Halifax)
Pearce, Robert (Staffs. Leek)
Pease, J. A. (Saffron Walden)
Radford, G. H.
Rees, J. D.
Rickett, J. Compton
Robertson, J. M. (Tyneside)
Robson, Sir William Snowdon
Rowlands, J.
Scott, A. H. (Ashton under Lyne
Seddon, J.
Seely, Colonel
Shaw, Rt. Hon. T. (Hawick B.)
Shipman, Dr. John G.
Silcock, Thomas Ball
Sinclair, Rt. Hon. John
Snowden, P.
Verney, F. W.
Vivian, Henry
Walters, John Tudor
Weir, James Galloway
White, J. D. (Dumbartonshire)
Whiteley, George (York, W.R.)
Wiles, Thomas
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)

TELLERS FOR THE NOES—Mr. Acland and Mr. Gulland.

MR. LUPTON moved to leave out "thirty-six" and insert "forty-eight," which, he said, would give another twelve hours in which the person might send notice.

*MR. JOHN BURNS: If the hon. Member will put in the words "if delivered" we accept.

MR. LUPTON said he had another Amendment for seventy-two hours for delivery. The Under-Secretary had said forty-eight hours if posted or delivered within that time to the medical officer. He thought thirty-six hours very much too short a time. He proposed forty-eight hours for posting and seventy-two hours for delivery at the residence of the medical officer of health. Often a person would have to find out the address, and it would take him some time to do so. As this would affect a lot of very poor people he did not see why they should not have more time. It should be remembered that the Bill imposed a penalty, in cases where the notice was given too late, of 20s.

The Amendment was not seconded.

MR. LUPTON then moved to insert, "and the local postmaster or mistress shall be supplied with a sufficient stock of such postcards by the local authority, and shall supply the same free of charge to the father and person in attendance named in Sub section 1." He pointed out that the local authority in country places might live miles away from the father's abode, or it might be that poor people, unfamiliar with these matters, might not know the address of the authority, whereas everybody knew where the village post office was, and they would have no difficulty in procuring a postcard on which to send the necessary notice as by law required. A great deal was said about protecting a million babies; let them not throw obstacles in the way of the people who had put upon them the duty of notification.

*MR. SPEAKER: This Amendment imposes a charge on the rates, and that cannot be done on Report.

MR. LUPTON next moved an Amendment providing that the penalty of 20s. should include costs.

The Amendment was not seconded.

MR. LUPTON said he had now to move an Amendment to facilitate the defence in cases where the person had reasonable ground for believing that notice had been sent or would be sent by someone else. To do that he proposed two Amendments which he would explain together in order to save time, and would move them.

*MR. SPEAKER: The hon. Member can only move one Amendment at a time.

MR. LUPTON said his Amendment was to leave out the word "satisfy" and put in the words "prove to the Court."

The Amendment was not seconded.

MR. LUPTON moved to insert a provision that the notice should be registered in a book by the medical officer of health. He thought that that would be a very useful instruction to the medical officers of health, who, many of them, were not business men.

The Amendment was not seconded.

*MR. LUPTON moved an Amendment the object of which was to permit other people to search the registers. Under the Bill as it stood only the medical officer would have access to the register. He thought that it should not be a hole-and-corner affair. He would be perfectly frank; he moved this as an anti-vaccinator. The medical officer and his allies the Imperial Vaccination League, would take care that the poor little child was poisoned with pus from a diseased calf called vaccine lymph, which would keep up the death rate. It was a terrible thing that in the last seventy years, despite all our sanitary improvements, the death rate of infants had not diminished. He attributed this to vaccination. The poison which was put into the child rendered it liable to all sorts of ailments, and, notwithstanding all the medical progress and scientific knowledge of these times, the only class in the community that had not benefited were the poor babies, who were subjected to this poisonous process. If he could get this Amendment into this bill, other people would be in a position to examine the register and to sign the notice paper that under the Act exemption could be obtained for vaccine poisoning.

*MR. SPEAKER: The hon. Member must keep himself to the Amendment.

MR. LUPTON said he would not detain the House, but he hoped that the President of the Local Government Board would accept the Amendment, so that the register would not be a mere hole-and-corner affair, but should be accessible to other persons, and not merely to pro-vaccinators. He had worked in this cause for over thirty years——

*MR. SPEAKER: Order, order! The hon. Member is converting the liberty I gave him into licence.

MR. RADFORD seconded.

Amendment proposed—

"In page 2, line 13, after the word 'adopted,' to insert the words 'or other person, such other person paying sixpence for each search.'"—(*Mr. Lupton.*)

Question proposed, "That those words be there inserted."

*MR. JOHN BURNS did not think it was advisable to allow the register to be open to a number of other people who might subject poor women to inconvenience from which they had a right to be protected.

MR. LUPTON thought it was far better that all these people should have access instead of allowing a hole-and-corner arrangement of this kind. He hoped the House would accept this Amendment.

Question put, and negatived.

MR. BERTRAM moved an Amendment to provide that a notification by a midwife to the medical officer of the local supervising authority under the Midwives Act, 1902, within thirty-six hours of birth should be deemed a compliance with this Bill. He felt convinced that many women would erroneously send notifications to the old authority, and if they gave *bona fide* notice to the old authority which they knew he thought that ought to be considered sufficient.

SIR WILLIAM BULL (Hammersmith) seconded.

Amendment proposed—

"In page 2, line 18, at the end, to insert the words 'but any notification of birth or still-birth given by a midwife to the medical officer of health of the local supervising authority under the Midwives Act, 1902, in compliance with such last-mentioned Act or any rules made thereunder shall be deemed to be a compliance with the requirements of this section, and, if so given within thirty-six hours of birth, shall be deemed to be a compliance with this Act, and particulars of such notification shall be forthwith transmitted by such medical officer to the medical officer of health of the district in which the birth or still-birth has occurred."—(*Mr. Bertram.*)

Question proposed "That those words be there inserted."

*DR. MACNAMARA said he sympathised with the proposition because he could see that possibly a little confusion might arise. It should not be forgotten, however, that the vital essence of this Bill was that the notification should be made as soon as possible. He thought this Amendment would only make confusion worse confounded, and as the Government felt sure it would only cause delay they could not accept it.

DR. COOPER said the midwife would have now to make two notifications, one to the county council under the Midwives Act, and the other to the new authority. It was rather hard that she should be compelled to make two notifications. He thought the President of the Local Government Board might approach the Midwives Board and ask them to relieve the midwife of the necessity of notifying that authority. Then there would only be one notification.

*MR. JOHN BURNS promised to approach the Midwives Board with that object in view.

Question put, and negatived.

*MR. JOHN BURNS said that in the Amendment he desired to move they had adopted with a slight alteration the definition of the hon. Member for Bermondsey.

Amendment proposed—

"In page 2, lines 19 and 20, to leave out the words 'still-born children as well as to children born alive,' and insert the words, 'any child which has issued forth from its mother after the expiration of the twenty-eighth week of pregnancy, whether alive or dead.'"—(*Mr. John Burns.*)

Amendment agreed to.

MR. LUPTON moved to omit Subsection 2 of Clause 2. This was a public Act dealing with the whole country for a beneficent purpose, and surely it ought not to be left optional for the Local Government Board to force the thing on or hold it back. This proposal should go forward with the authority of both Houses of Parliament and not be left to the discretion of the Local Government Board.

The Amendment was not seconded.

*MR. BERTRAM moved to omit certain words and insert words providing against the danger which might arise if differences took place between the midwife, who was legally responsible for the patient for ten days, and the members of any voluntary association. The purpose behind this Bill was to establish, whereever possible, voluntary associations of persons whose duty it would be, as soon after a birth as possible, to come upon the scene and endeavour to help the mother and the child, and to promote the extension of infantile life. He asked whether it was not a very dangerous experiment, to run any risk of conflict as would certainly be possible under the Bill seeing that the midwife might be acting under one medical authority and the members of the voluntary association under another, each prescribing a different mode of treatment for the patients.

Amendment proposed—

"In page 2, line 38, to leave out from the first word 'the' to end of clause, and insert the words 'authority for the time being exercising or established for the exercise of the powers of the local supervising authority conferred by section eight of the Midwives Act, 1902.'"—(*Mr. Bertram.*)

Question proposed, "That the words 'council of a' stand part of the clause."

*DR. MACNAMARA said his hon friend had overlooked the fact that half of the counties had not any medical officer of health at all. How were they going to do what the hon. Member contemplated by the Amendment in places where there was no medical officer of health ?

*MR. BERTRAM: Every Local Supervising Authority under the Midwives Act has a medical officer.

DR MACNAMARA said he was well aware that every county council had power to delegate certain duties under the Midwives Act, but a great many of them did nothing of the kind, and the power would still remain with the county council. It was quite impossible to accept the Amendment.

MR. ADKINS appealed to his hon. friend not to press the Amendment.

Amendment negatived.

MR. RADFORD moved an Amendment to provide for the powers conferred by the clause being given to the county council. Each borough council had the option of applying or not applying the provisions of the Bill in its area, and it seemed to him desirable that London should be administered as a whole. He was surprised that the President of the Local Government Board, who was a strenuous apostle of the unity of London, should introduce a measure which would have the effect of dividing London into twenty-nine areas where the measure might or might not be enforced.

Amendment proposed—

"In page 2, line 38, after the words 'council of a' to insert the words 'county and the council of a.'"—(*Mr. Radford.*)

Question proposed, "That those words be there inserted."

*DR. COOPER said that what was wanted was uniformity in the administration of London, and the only way of getting it in this matter was by giving to the central authority the power to adopt the Act for the whole of the twenty-nine boroughs. That was done in regard to the notification of infectious diseases, and he thought it should be done in this matter also.

MR. JOHN BURNS said that his view of uniformity of administration might not altogether tally with that of the hon. Member for East Islington. He differed from the hon. Member in some respects on the point here raised. If any of the borough councils showed a disinclination to apply the Act to their areas, it would be for the Local Government Board to impose the duty on them. There would then be that uniformity which the hon. Member sought. He believed the borough councils would unanimously put the Bill in operation.

Question put, and negatived.

*MR. ADKINS moved an Amendment to include county councils as authorities under the Act.

Amendment proposed—

"At end of Sub-section 4 to add the words 'and the council of a county, other than the county of London, may adopt the Act either for the whole of the county or for a district therein.' "—(*Mr. Adkins.*)

Question proposed, "That those words be there added."

Question put, and agreed to.

Dr. COOPER said that he wished to move an Amendment standing in the name of the hon. Member for West St. Pancras providing that the medical officer of health in every metropolitan borough in London should send weekly to the London County Council a list of all notices of birth received by him during the week.

Amendment proposed—

"In page 2, line 41, at the end, to add the words 'in London the medical officer of health of every metropolitan borough (including the City of London in which this Act is in force for the time being) shall send weekly to the London County Council, in a form prescribed by the Local Government Board, a list of all notices of birth received by him under this Act during the past week.' "—(*Dr. Cooper.*)

Question, "That those words be there inserted," put, and agreed to.

Mr. LUPTON proposed the omission of Clause 3, but the Motion was not seconded.

Question put, and agreed to.

Bill re-committed to a Committee of the Whole House in respect of an Amendment to Clause 2.—(*Mr. Adkins.*)

Bill considered in Committee.

(In the Committee.)

[Mr. Caldwell (Lanarkshire, Mid.) in the Chair.]

Amendment proposed —

"In page 2, line 41, at the end, to add the words, 'and the council of a county (other than the county of London) who may adopt the Act either for their whole county or for any county district therein. Provided that (*a*) where the Act is adopted by the council of a county, the county medical officer of health shall be substituted for the medical officer of health of the district, and the expenses of the execution of the Act shall be paid as general county expenses, or special county expenses as the case requires; and (*b*) if, where the Act has been adopted by the council of a county for any county district, the council of the district, or where the Act has been adopted by the council of a county district for their district, the council of the county, subsequently apply to the Local Government Board to be made the authority for the purposes of this Act, the Board may, if they think fit, make an order declaring that the Act shall take effect as if it had been adopted by the council of the county district instead of the council of the county, or by the council of the county, instead of the council of the county district as the case may be, and on any such order being made the Act shall take effect in accordance with the order.' "—(*Mr. Adkins.*)

"Question, "That those words be there inserted," put, and agreed to.

Bill reported, with an Amendment.

Bill, as amended, on recommittal, considered.

The PARLIAMENTARY SECRETARY TO THE TREASURY (Mr. George Whiteley, Yorkshire, W.R., Pudsey) moved that the Bill be read a third time. In doing so he said he wished to make the announcement that upon the Order Paper for Monday there appeared only the Lords Amendments to the Merchant Shipping (Deduction for Tonnage) Bill. But the real business would be the Lords Amendments to the Small Holdings and Allotments Bill, and to the Evicted Tenants Bill, which had not yet been received from the other House. As these would not appear in the Order Paper on Monday he wished hon. Members to know that most important business would be taken that day.

Motion made, and Question proposed, "That the Bill be now read a third time."

*Dr. COOPER said that this Bill, when introduced by its promoters, had two valuable points, it was compulsory and it for the first time in English law required the notification of the still-born child. He regretted that the Local Government Board had deprived the Bill of its compulsory character. The President of the Local Government Board had declared that the infant mortality of the rural districts was less than that of the towns, and therefore the Bill was not required in the country. The report recently issued of the Registrar-General ought to disabuse the minds of the Local Government Board on that point. That report showed that the infant mortality for the first month after birth was higher in the rural districts than it was in London. In the rural districts it was 35·9 per thousand, while in the county of London it was 26·2 per thousand. It was not till the fourth month that the death rate in the rural districts and in London was equalised. He did not believe that this Bill would do much good to prevent infant mortality. It was absurd to generalise on insufficient data, or on statistics gathered from a favourably situated town like Huddersfield, where the conditions of life could not be like those of London, Glasgow, Liverpool, and other large cities. Ignorance of the management of children by mothers was not the only cause of infant mortality. It arose from very complex conditions. He believed ignorance was one cause, but impure milk was a far greater cause, and the Local Government Board would have been wiser to have pushed forward their Bill for municipal milk depots. Drink was another cause; but the real cause was the great economic factor that more than 13,000,000 of people in England were living on the verge of poverty. [Cries of "No."] Well, he would put it that 60 per cent. of the unskilled labourers were not in receipt of a living wage, and were not in a position to provide their children with proper food. Their wives were compelled to go out to earn a living, leaving their children at home. What was the good of a health visitor suggesting to a half-starved mother an elaborate list of regulations? Until these workmen secured a fairer and juster share of the profits of labour there would be no improvement in the rate of infant mortality. The promoters of this Bill stated it would enable philanthropic ladies to help the poor, and in Huddersfield they invoked the aid of the Charity Organisation Society. The workmen did not want charitable doles or charity organisations, and they strongly objected to visitations in their homes from charitable ladies. What was wanted was that the labouring classes should be paid a living wage, and thus be given an opportunity of bringing up their children in a healthy and proper way.

*Mr. LUPTON said he heartily agreed with the hon. Member for Bermondsey in his belief that this Bill was no, likely to reduce the infant mortality, being based upon compulsion. What they required was that people should be guided in the right way, and should not be led to believe that it was advantageous that they should not have children. Some people complained of the falling off of the birth-rate, but if provisions of Bills such as this were enforced people would say, "The fewer the children we have the better." Therefore the measure would not promote the welfare of the country. It had been said by one speaker that a large proportion, in fact, the majority, of the people of this country were on the verge of starvation. That might very well be, but happily they were on the right side of the verge. That made all the difference. There were very few people in this country who had not plenty to eat and drink. But the way to proceed to improve the people of this country was not by drastic measures of compulsion, enforced by ruinous fines. They would succeed much better if those who had knowledge, money, and leisure, proceeded in the gentle way of benevolence and charity. And he believed in charity; it would be a bad day for the country when that ceased; he believed in the salvation of our race through charity. He opposed the Bill because it was based on compulsion.

LORD R. CECIL thanked the Government for taking this Bill up, and quite agreed that it would be of the greatest value. He supported the Third Reading.

*MR. ADKINS also supported the Third Reading. He thanked the President of the Local Government Board for his concessions, and he hoped that the Bill, though slight in extent, would be a beginning of needed social reform in the preservation of child life.

*MR. JOHN BURNS said that he disagreed with the view that poverty was the great, or chief, cause of infantile mortality. There were many causes of it—bad food, bad milk, dirt, drink, ignorance. It had been alleged that low wages was the chief cause; in his judgment irregular wages were worse. It often happened that in rural districts where wages were low, but work was regular, the mortality was much lower than in more highly paid districts. This was proved by the fact that in the rural districts 5,000 out of every 100,000 children born died in the first three months; in mining districts, where the wages were twice as high, 8,000 out of 100,000 died; and in the textile districts, where wages were higher still, 9,126 out of 100,000 died. Married women, in his judgment, ought not to work in factories; their province was at home. The sooner the working classes recognised that fact the better for the home comfort of the men, the better for the children, and the better for the State. He thought if they put this law upon the Statute-book they would all have builded better than they knew.

Question put, and agreed to.

Bill read the third time, and passed.

Whereupon Mr. SPEAKER, pursuant to the Order of the House of the 26th day of July last, adjourned the House without Question put.

Adjourned at twenty-five minutes after Seven o'clock till Monday next.

HOUSE OF LORDS.

Saturday, 24th August, 1907.

RETURNS, REPORTS, ETC.

TRADE REPORTS (ANNUAL SERIES).

No. 3907. China (Chungking).

No. 3908. France (Lyons, St. Etienne, and Grenoble).

Presented (by Command), and ordered to lie on the Table.

QUALIFICATION OF WOMEN (COUNTY AND BOROUGH COUNCILS) BILL. [H.L.]

Order of the Day read for the consideration of the Commons Amendment.

Moved, "That this Amendment be considered."—(*The Earl of Crewe.*)

Lord BALFOUR of BURLEIGH: May I call attention to the fact that the Orders of the Day are not on the Table, and we cannot tell in what order the business is to be taken? I feel inclined to move the adjournment of the House until we can get the ordinary Papers necessary for the proper transaction of business. I do not think we are being fairly treated.

The LORD PRESIDENT of the COUNCIL (The Earl of Crewe): My Lords, as the first Order on the Paper is mine, perhaps I may be allowed to reply. There has been no change in the order of business, at any rate so far as regards the first two Orders on the Paper—namely, the consideration of the Commons Amendment to the Qualification of Women (County and Borough Councils) Bill, and the Report stage of the Small Holdings and Allotments Bill. The noble Lord will see, I am sure, that we, as the Government, are not to blame for the absence of the Orders of the Day.

Lord BALFOUR of BURLEIGH: I should be sorry to say that the Government are to blame for not circulating the Orders of the Day, but I think they are to blame for the hurry with which business is being transacted.

On Question, Motion agreed to.

The Earl of CREWE: There is only one Commons Amendment to this Bill—namely, in page 1, lines 8 and 9, to leave out the words—

> "Shall not be elected as chairman of a county council or mayor of a borough,"

and to insert the words—

> "If elected as chairman of a county council or mayor of a borough shall not by virtue of holding or having held that office be a justice of the peace."

and I beg to move that your Lordships do not insist on your Amendment. The House may remember what occurred on the last occasion. I was in charge of the Bill, and I said that in my opinion the question was one of very small practical importance, and therefore I did not wish to attempt to force the House to vote one way or the other; but it seemed to me a pity, as you were giving power to women to sit on these bodies, to make this grudging limitation which could not have any practical effect, more particularly as I think it is certain that for some time, at any rate in the case of the larger local authorities, the possibility of a woman sitting as mayor is unlikely. I think it is not necessary to explain the effect of restoring the Bill to its original form. By its original form a woman can be mayor of a borough or chairman of a county council, but if she holds one of those positions she cannot be a justice of the peace; and the Amendment which was inserted by your Lordships on the Motion of the noble Earl, Lord Camperdown, prevented her from occupying the position of mayor of a borough or chairman of a county council. When it went down to the House of Commons the Bill was put back into its original shape on the Motion of an independent Member, the House of Commons agreeing to that course without a division. I hope that, under the circumstances, your Lordships will not insist on your Amendment. The matter, as I have said, is not a very large one, and I do not think it is one on which it is worth while to engage in a contest with the other House of Parliament.

Moved, "That this House does not insist upon its Amendment."—(*The Earl of Crewe.*)

The Earl of CAMPERDOWN: As I was the Member who moved the Amendment perhaps I may be allowed to say a

The Asterisk (*) at the commencement of a Speech indicates revision by the Member.

word. I am not going to ask your Lordships to insist on your Amendment, in fact, I advise your Lordships not to insist upon it. This House has no desire at all, on the contrary it has a great disinclination, to differ from the other House of Parliament, except on occasions when it is absolutely necessary for them to do so; and certainly I do not think this is one of the occasions on which your Lordships should differ. At the same time, in replacing the Bill in its original form I would desire to call your Lordships' attention to what the effect will be. A woman will in future be able to be elected to the position of chairman of a county council or mayor of a borough, but although she holds that office she will not be able to be a justice of the peace. If a woman is fit to be mayor of Liverpool, or Manchester, or Birmingham, I cannot conceive on what ground she is not fit to have a seat on the bench of justices. It seems to me to be a most manifest inconsistency. The Government think it very undesirable that the disability should be placed upon women which was placed by your Lordships' Amendment; yet in spite of that they propose to place this disability upon her. I am very much tempted to move to add at the end of the provision disqualifying women from sitting as justices, the words "unless placed by the Lord Chancellor thereupon." I am sure that your Lordships have the greatest confidence in the Lord Chancellor's appointments, and I am certain that if a woman were placed by him on the bench, this House would be of opinion, even if she were a suffragette, that the appointment had not been made without due consideration, and that it was a very proper appointment.

THE LORD CHANCELLOR (Lord LOREBURN): My duties in regard to magistrates are sufficiently distressing already; and if I had to consider the merits of women for the purpose I am quite certain that I should be so overwhelmed with the task that I should be inclined to withdraw altogether from it.

THE EARL OF CAMPERDOWN: In deference to the noble and learned Lord I will not propose the addition of those words.

The Earl of Camperdown.

LORD BALFOUR OF BURLEIGH: Noble Lords opposite will remember that there is a Scottish Bill on similar lines to this passing through Parliament. It was introduced into this House at a very late period of the session, and was passed after some discussion, with Amendments, and sent to another place. I am sure I shall find myself in agreement with noble Lords opposite and with the great majority of your Lordships when I say that whatever is done on this particular point in regard to England ought to be done in the same way with regard to Scotland. The law ought not to be different in the two countries, and I should like to ask His Majesty's Government whether they are able to say as yet in what form the other Bill is likely to be returned to your Lordships.

LORD HAMILTON OF DALZELL: In answer to the noble Lord, I have to say that a very similar Amendment has been made by the other House in the case of the Scottish Bill, and that I understand it will be considered by your Lordships on Monday.

*THE MARQUESS OF LANSDOWNE: My Lords, with regard to the Bill now on the Table I have only to say that I am very glad my noble friend Lord Camperdown does not ask the House to insist upon its Amendment. It is quite true that the Bill will leave matters in a somewhat illogical position, but the question does not seem to me to be one of really first-rate importance. It will only be in quite exceptional cases that a woman is likely to find herself elected chairman of a county council or mayor of a borough, and in such cases I think we might very well acquiesce in the idea of trying the experiment. The matter is not one in which it seems to me this House could very well involve itself in a controversy with the other House of Parliament.

On Question, Motion agreed to.

Moved, "That the Commons Amendment be agreed to."—(*The Earl of Crewe.*)

On Question, Motion agreed to.

SMALL HOLDINGS AND ALLOTMENTS BILL.

Amendments reported (according to order).

THE EARL OF CAMPERDOWN expressed regret that the Small Holdings Commissioners to be appointed under Clause 1 were not named in the Bill. As that had not been done, he would like to call attention to the very great importance of the appointments which were to be made. These Commissioners were to have very large powers indeed; they might, subject to the approval of the Board of Agriculture, override the county councils, and they would have very large powers with regard to property all over the Kingdom. It was unnecessary to say that therefore the character and knowledge of the gentlemen who were to be appointed would be a matter of extreme importance, and it would be most undesirable if any persons were appointed to this office who were in any way connected with the question either on one side or the other. It was not for him to make any suggestion, but he believed many noble Lords would feel—he said this without the slightest disrespect to the noble Earl in charge of the Bill—additional confidence in the appointments if they knew that the Lord Chancellor had been consulted before the appointments were made. Of course, he did not ask the noble Earl to say he would consult the Lord Chancellor; but he would feel that the appointments would be unexceptionable if the Lord Chancellor had been called into consultation.

THE DUKE OF RICHMOND AND GORDON asked what steps would be taken to publish the names of those who were to be appointed as Commissioners. Would their names appear in the *Gazette*, or what means would the public have of ascertaining who were to be given these appointments?

VISCOUNT ST. ALDWYN also wished to put a question to the noble Earl in charge of the Bill. In another place there was a considerable amount of discussion as to the probable number of these Commissioners, but no light at all was vouchsafed by His Majesty's Government on that point. The Bill simply said "two or more." He supposed nobody could imagine that two Commissioners would suffice to accomplish all the work imposed on the Commissioners under the Bill. On the other hand, 200 Commissioners—that number had been suggested in another place—would be absurd. Could the noble Earl tell the House the view of the Board of Agriculture as to the number of Commissioners they would appoint?

THE PRESIDENT OF THE BOARD OF AGRICULTURE AND FISHERIES (Earl CARRINGTON): My Lords, in answer to Lord Camperdown I may say that, although I do not pretend that I am going to shut my eyes altogether as to the side of politics to which the Commissioners may lean and when they are appointed find out, at the same time I desire it to be distinctly understood that my object in selecting these Commissioners will be to get the very best class of men it is possible to obtain. I have had some very good names already sent in, and I think there will be great competition for these places. They will be places worthy of men of understanding, of culture, and of honour, and I pledge myself to do all in my power to get the best possible men for the business. As to the next point, I recognise that any man who has the approbation of the Lord Chancellor has the approbation of the whole country, and though I do not pledge myself to go in every case to my noble and learned friend, yet I think he would certainly be a person to be consulted if he would be good enough to give me the benefit of his advice. I think we might leave the matter in that position. In reply to the question put to me by the noble Duke opposite, these Commissioners will be civil servants and therefore, naturally, their names will not be published in the *Gazette*. Then the noble Viscount asked me how many Commissioners would be appointed. I come from a commercial family, and in my early days my father tried to instil into me principles of economy. How far he succeeded I do not know; but it was from an economical point of view that I inserted in the Bill "two or more." I hope and believe that this measure will be a great boon to the country, its success depending a great deal, of course, on the Commissioners appointed. Though I have put down a small number to begin with, I can assure the House that I do not anticipate that the number of Commissioners will run into hundreds.

*THE MARQUESS OF LANSDOWNE: My Lords, it requires great diligence to extract from the explanation of the noble Earl anything bearing at all closely upon the question which has been put to him. It really is not material for us to be told that these appointments will be the subject of keen competition, or that they will be worthy of men of understanding, culture, and honour. That is all extremely interesting, but it does not answer our question. I gather that the noble Earl is not in a position to say anything more as to the number of these officials, and no doubt it would be difficult for him to pledge himself at this moment on that point. With regard to their tenure, he tells the House that they are to be civil servants, with, I understand, ordinary civil service tenure and pensionable.

EARL CARRINGTON: Yes.

*THE MARQUESS OF LANSDOWNE: Then I do not quite gather whether the public will have any opportunity of being made aware as to the individuals who may be selected. I cannot help thinking that in the interests of the noble Earl's Department it would be very desirable that some means should be taken of intimating to the public who these men of understanding, culture, and honour are who have been selected for these responsible duties. With regard to their selection, did I gather from him that they would be selected by his Department after consultation with the Lord Chancellor?

EARL CARRINGTON: As the responsible Minister I shall make the selection. I am absolutely and entirely responsible.

THE MARQUESS OF LANSDOWNE: Then what was the reference to the Lord Chancellor in the noble Earl's statement?

Earl Carrington.

EARL CARRINGTON: The noble Earl opposite, Lord Camperdown, wished a distinct pledge that none of these appointments should be made without the consent of the Lord Chancellor. I could not agree to that. I am absolutely and solely responsible.

THE LORD CHANCELLOR: Surely it is not seriously suggested that my sanction should be asked in regard to appointments made by a responsible colleague of my own in whom we have every confidence. Such a suggestion would be impracticable.

*THE MARQUESS OF LANSDOWNE: I would point out that I made no such suggestion.

THE EARL OF CAMPERDOWN: Neither did I. I did not use the word "sanction." What I said was that we would feel more happy if we knew that the Lord Chancellor would be consulted.

LORD BALFOUR OF BURLEIGH pointed out that civil service conditions would involve a limit of age and a competitive examination. Did the noble Earl mean to bring in those things?

EARL CARRINGTON: No.

LORD BALFOUR OF BURLEIGH: Then it is erroneous to suggest that this will be a civil service tenure.

VISCOUNT ST. ALDWYN moved to amend Subsection 1 of Clause 2 by inserting, after the words, "(1) The Commissioners, acting under the directions of the Board, shall ascertain the extent to which there is a demand for small holdings in the several counties," the words "or would be a demand if suitable land was available." He explained that this was a modification to some extent of an Amendment which their Lordships had agreed to in Committee on the Motion of Viscount Hill. The Bill originally provided, in the first two lines of Clause 2, that the Commissioners, acting under the directions of the Board, should ascertain the extent to which there was a demand, either actual or prospective, for small holdings. Their

Lordships struck out the words "or prospective" because nobody understood what they meant, and they appeared to suggest a fishing inquiry to create a demand where no demand really existed. The Government resisted that Amendment, but he understood that they would be prepared to accept it if the words "or would be a demand if suitable land was available" were also inserted, so as to meet any case where such a demand had been prevented from occurring under the assumption that no land could be got.

Amendment moved—

"In page 1, line 25, after the word 'counties,' to insert the words 'or would be a demand if suitable land was available.'"—(*Viscount St. Aldwn.*)

EARL CARRINGTON: This Amendment, if I understand it rightly, really expresses what we mean by "prospective" in better language than I was able to command myself. I shall, therefore, be very pleased to accept it, subject, of course, to reconsideration if necessary.

On Question, Amendment agreed to.

Consequential Amendment agreed to.

VISCOUNT ST. ALDWYN moved to add, at the end of Subsection 1 of Clause 2, the words "and take such other steps as they think necessary." The subsection originally provided that the Commissioners might co-operate with "or employ" such other authorities, associations, and persons as they thought best qualified to assist them; but on the Motion of the Duke of Northumberland the words "or employ" were struck out in Committee. The clause as it now stood was not in harmony with the first subsection of Clause 23, which related to the case of allotments, because although the words "or employ" were left out the words in this subsection ran—

"Co-operate with such authorities, associations, and persons as they think best to assist them, and take such other steps as they think necessary."

The object of his Amendment was to add, at the end of Subsection 1 of Clause 2, words which would place the two subsections on the same footing. He understood that if these words were here inserted His Majesty's Government were willing to agree to the Duke of Northumberland's Amendment leaving out the word "or employ," which Amendment they resisted in Committee.

Amendment moved—

"In page 2, line 4, after the word 'then' to add the words 'and take such other steps as they think necessary.'"—(*Viscount St. Aldwyn.*)

EARL CARRINGTON: The facts as stated by the noble Viscount are quite correct, and I accept the Amendment.

On Question, Amendment agreed to.

THE EARL OF CAMPERDOWN said their Lordships would remember that on Clause 3 he moved an Amendment in Committee with the object of insuring that the county councils should be consulted before the Orders were made; but he withdrew the Amendment and agreed to the substitution of other words on the understanding that he would consider them when he saw them in print and recur to the subject if necessary. After reading the words of his noble friend he desired to say that they appeared very fairly to carry out his (Lord Camperdown's) intention, and that he did not therefore propose to raise any further question with regard to it.

Drafting Amendments agreed to.

VISCOUNT ST. ALDWYN said he raised in Committee the question of the vagueness of the word "localities" in Clause 3, and then suggested that the word "parish" might be inserted. Lord Fitzmaurice rather suggested that localities meant a group of parishes. He, therefore, now moved to leave out the word "localities" and to insert the words "parishes or group of parishes."

Amendment moved—

"In page 3, line 5, to leave out the word 'localities' and to insert the words 'parishes or group of parishes.'"—(*Viscount St. Aldwyn.*)

EARL CARRINGTON: I am afraid I cannot accept the Amendment. This is one of those dreadful difficulties of the English language. One word is too vague and the other is too precise. I should much prefer to leave the wording as it is, and I hope the noble Viscount will not press the Amendment.

Amendment, by leave, withdrawn.

EARL CARRINGTON moved to amend Subsection (3) of Clause 4, so that it would read—

"(3) The Board, after considering the objections and the Report of the person holding the inquiry (if any), may settle and confirm the scheme either without modification or subject to such modifications as the Board think fit, or may annul the scheme."

Amendment moved—

"In page 4, line 5, after the word 'settle' to insert the words 'and confirm'; and in line 7 to leave out the words 'and may confirm.'"—(*Earl Carrington.*)

On Question, Amendment agreed to.

VISCOUNT ST. ALDWYN moved to leave out Subsection (2) of Clause 5. He said that this was an Amendment of form rather than of substance. He had no wish to deprive the Board of Agriculture of the powers which it would possess under this subsection—namely, of directing its Commissioners to carry a scheme into effect which a county council had refused to carry into effect; but what he desired to do was to enable the question of the cost of carrying out such scheme to be raised in another place in order that it might be fully considered there. It had not yet been so considered; and of course, the matter was not within the competence of their Lordships' House. He would like, very shortly, to state the history of this matter, because it was of importance, and he thought quite justified the proposition he was about to make. In the first place, the Bill was introduced with this subsection giving those very great powers to the Board of Agriculture of overriding county councils and enabling the Board to impose upon the rates of the county the cost of the scheme which the county council had refused to undertake without any appeal and without any provision that the Treasury should or might share any part of the cost of that scheme. That was an intolerable proposition. It was the more intolerable because, as the Bill then stood, the limit of rating imposed by the existing law on the expenditure of county councils in this matter was abolished, and any amount of expenditure might have been imposed by the Board of Agriculture on the unfortunate ratepayers of the county against the wish of their elected representatives. When it was considered, this proposition was felt to be intolerable, even by supporters of His Majesty's Government. He would have thought that the veriest Cockney who had been foisted by a political association upon a rural council would not take long to discover that he could not do anything that would more insure his rejection at the next election than to allow or support a proposal that the Government should impose such expenditure upon the ratepayers of his county against their will. This feeling was entertained at any rate by many supporters of His Majesty's Government on the Grand Committee to which the Bill was referred, with the result that one of them moved the following Amendment—

Earl Carrington.

"Provided that if at the end of any year the county council can show to the satisfaction of the Commissioners that the carrying into effect of any such scheme has involved a net loss to the council, the Board shall on demand, repay to the council a sum equivalent to two-thirds of such loss."

That Amendment, in spite of the opposition of the Government, was only defeated by thirty-one votes to twenty-eight; and the opposition was such that the Minister in charge of the Bill was obliged himself to propose to the Committee the following clause—

"If it appears to the Board that proceedings under this section have resulted or are likely to result in a loss, the Board may, with the consent of the Treasury, pay or undertake to pay out of the Small Holdings Account the whole or any part of that loss."

Even that did not satisfy the Committee, and on the Motion of one of its members an Amendment was inserted making the provision much more operative, and it was carried against the Government by twenty-two votes to twenty-one. The Bill then went down to the House of Commons, where it was felt that the question of the expense in the case of loss had been by no means satisfactorily settled. The point was again raised, and the Chancellor of the Exchequer was obliged to propose—again in order to meet the feelings of his own supporters—

that a Treasury Minute should be issued in order to compel the Treasury to bear half of the loss which a county council might incur if it reasonably and properly carried out the scheme. That, again, did not satisfy the House of Commons, and there was a very general desire to raise the question on Report in order to compel the Treasury to bear the loss incurred by the Commissioners through carrying out a scheme which the county council had refused to carry out on account of the loss which they anticipated would result from it. But when the matter was raised, the Speaker ruled—no doubt quite properly—that it could not be considered on Report, and that the Bill must be recommitted; but owing to the hurry in which His Majesty's Government had been for the last month or so with regard to the legislation they desired to cram into the present session, the appeal for recommitment was refused. The case, therefore, remained in this way. The Bill as it stood did not carry out the proposed intentions of the Government in relieving county ratepayers of the cost to which he had referred. It enabled the Treasury to do what everyone felt ought to be done, but it did not impose upon them a burden which the Minister in charge of the Bill himself admitted should not be imposed on county councils in certain cases. He hoped he had shown sufficient reason for their Lordships making a formal Amendment in this clause in order that the House of Commons, with whom the financial powers rested, might have an opportunity of reconsidering the matter, and, if they chose, of inserting provisions to carry out what was declared to be the intention of the Government, and what he believed was the general wish of the House of Commons. Of course, if, after consideration, the House of Commons decided to leave the Bill as it was, they would not agree to their Lordships' Amendment, and when the Bill came back their Lordships would not dream of insisting upon the Amendment. He merely wished that the House of Commons should have an opportunity of properly considering a matter of finance, with which it was their province to deal.

Amendment moved—

"In page 4, lines 14 to 21, to leave out Subsection (2)."—(*Viscount St. Aldwyn.*)

EARL CARRINGTON: I quite understand the object of the Amendment which the noble Viscount has moved, but he has admitted that the clause as it stands enables the Treasury to do what is right. After all, the situation is very much changed from what it first was. The Treasury now has the power to do what is right, and, of course, it will do what is right.

SEVERAL NOBLE LORDS: Oh!

*EARL CARRINGTON: Well, so long as the present Government remains in power. The noble Viscount has referred to his Amendment as a formal one. I would ask the House to consider what the Amendment is. It is to leave out Subsection (2), which reads—

"If the county council fail so to fulfil their obligations, the Board shall by Order, direct the Commissioners to take such steps as may be necessary for carrying the scheme into effect, and upon such Order being made the Commissioners shall for the purpose have all the powers of a county council in relation to small holdings under the Small Holdings Act, 1892, and this Act, and those Acts shall apply as if references to the Commissioners were substituted for references to a county council."

That is the genesis of the Bill, and with every desire to meet the wishes of noble Lords opposite it is absolutely impossible for us to accept this Amendment, as the omission of this subsection would in a sentence leave the whole thing in the air.

THE EARL OF ONSLOW thought the noble Earl had entirely missed the point. The sole object of the Amendment was to afford the House of Commons another opportunity of considering the matter. If the House of Commons did not wish to make any alteration they would return the clause as it now stood and their Lordships would not insist on their Amendment. There was no desire in moving the Amendment to deprive the Board of Agriculture of their powers under this subsection.

On Question, Amendment agreed to.

THE EARL OF ONSLOW, on behalf of the Earl of Jersey, moved to amend Subsection (2) of Clause 6 by omitting the words—

"No land shall be acquired by a county council without their county except with the consent of the council of the county in which such land is situate. A county council may appeal against a refusal to give such consent to the Board of Agriculture, which shall have power to decide the question and terms of arrangement,"

and inserting a new subsection to make clearer the object aimed at.

Amendment moved—

"In page 5, line 11, to leave out from the word 'land' to the end of the clause, and to insert the following new subsection:—'(3) No land shall be acquired by a county council without their county except with the consent of the council of the county in which such land is situate, provided that any county council aggrieved by a refusal to give such consent may appeal to the Board, and the Board shall have power finally to determine all questions arising under this subsection and to settle the terms of arrangement (if any) between the county councils of their respective counties.'"—(*The Earl of Onslow.*)

EARL CARRINGTON: This provision was very fully discussed when the noble Earl, Lord Jersey, moved in Committee the insertion of the words which it is now desired to omit in favour of a new subsection. I do not think I need take up the time of the House in re-stating our objections to it. After all, it is the same man in a different coat. It is an attempt to control county councils in the acquisition of land outside the area of their own county, and that is a proposition which we cannot under any circumstances accept. I gave the reasons why it was impossible to accept the Amendment in the old words, and the objections apply equally to the new words now proposed

On Question, Amendment agreed to.

THE EARL OF PLYMOUTH explained that the Amendment standing in his name to Clause 7 was consequential on that which was carried in Committee on on the Motion of Lord Dartmouth.

Amendment moved—

"In page 5, line 18, after the first word 'for' to insert the words 'selling or' and after the word 'and' to insert the words 'sold or.'"—(*The Earl of Plymouth.*)

EARL CARRINGTON: I opposed Lord Dartmouth's Amendment with all my power but with very little result, and I shall therefore oppose a consequential Amendment to that Amendment.

On Question, Amendment agreed to.

VISCOUNT ST. ALDWYN, who moved in Committee the omission of Subsection (1) of Clause 20 and withdrew the Amendment on the understanding that the noble Earl in charge of the Bill would confer with him on the matter, said the noble Earl had carried out this promise and he understood that in the opinion of the noble Earl there would be very grave objection to the omission of this subsection. He (Lord St. Aldwyn) had never in the least intended to limit the action of parish councils in the matter so far as the law conferred powers upon them. He understood that these councils had in many cases let allotments exceeding one acre and that the noble Earl in charge of the Bill thought there might be similar cases in future, and the Government had very strong feeling that it would not be desirable to interfere with those powers. On the other hand, he thought the Government were running considerable risk by the institution of authorities whose powers clashed in these matters, and it was for this reason that he moved in Committee to omit the subsection.

EARL CARRINGTON: I am afraid it would still be impossible for us to accept such an Amendment.

VISCOUNT ST. ALDWYN said that as the noble Earl was still of opinion that it would be impossible to accept the Amendment he would not raise the point again.

EARL CARRINGTON: My Amendment to Clause 25 fulfils a pledge that was given in Committee by the noble and learned Lord on the Woolsack. It appears to be in every way preferable to the Amendment standing on the Paper in the name of the Duke of Richmond, and I hope the House will accept it.

Amendment moved—

"In page 12, line 27, after the word 'acquired' to insert the words 'and every such order shall, if so required by the owner of the land to be acquired, provide for the creation of such new easements as are reasonably necessary to secure the continued use and enjoyment by such owner and his tenants of all means of access, drainage, water supply, and other similar conveniencies theretofore used or enjoyed by them over the land to be acquired; provided that, notwithstanding anything contained in this subsection, no new easement created by or in pursuance of such order over land hired by a council shall continue beyond the determination of such hiring.' "—(*Earl Carrington.*)

THE DUKE OF RICHMOND AND GORDON, who had given notice of an Amendment to omit the present Subsection (4) of Clause 25—

"(4) An order under this section may provide for the continuance of any existing easement or the creation of any new easement over the land authorised to be acquired"

and to insert in its place the following new subsection—

"(4) All land acquired under an order under this section shall be held by the council subject to all existing easements, and every such order shall provide for the creation of any new easements necessary to secure the continued use and enjoyment by the owners and occupiers of adjoining lands of all conveniences theretofore used and enjoyed over the land to be acquired, provided that notwithstanding anything contained in this subsection no new easement created by or in pursuance of such order over land hired by a council shall continue beyond the termination of such hiring,"

said the words which the noble Earl the President of the Board of Agriculture now proposed to insert on this point met his objections to the subsection as it stood, and in those circumstances he would not move his Amendment but would accept that of the Government.

On Question, Amendment agreed to.

Consequential Amendment agreed to.

*THE EARL OF ONSLOW moved to insert a new subsection in Clause 26, which he explained was intended to take the place, or, at any rate, a great deal of the place, of the Amendment moved by Lord St. Aldwyn in Committee. The noble and learned Lord on the Woolsack then pointed out to the noble Viscount that if the Amendment were carried there would still be nothing in the Bill to prevent a county council commencing proceedings *de novo*, and going through all the formalities required by the Bill in order compulsorily to hire the same land a second time. There was a strong feeling that where land was leased for so long a period as thirty-five years, the county council would, at the end of the first period of letting, have ascertained beyond doubt whether the letting of the land in small holdings was a success or not, and it would not, therefore, be any hardship upon the county council to ask them, if the landlord so required, to purchase the land. If the small holdings had been proved to be a success the county council ought, at as early a date as possible, to put itself in a position to sell the holdings to any of the small holders who wished to purchase; but that could not be done so long as the council only hired. He therefore had a double object in moving this Amendment.

Amendment moved—

"In page 14, line 5, after the word 'tenancy' to insert the following new subsection:—'(2) Within three months after the receipt of the notice mentioned in Subsection (1) of this section, the landlord may, by notice in writing, require the council to purchase the land, and thereupon the council may purchase the land as if they had obtained an order authorising them to purchase the land, and had served upon the landlord a notice to treat in respect thereof, provided that, upon receipt by the council of such notice from the landlord, the notice to renew the tenancy shall cease to be effective, and if within six months thereafter the council do not purchase the land, such land shall not thereafter be authorised by any order under this Act to be hired compulsorily by the council which has failed or refused to purchase under the provisions of this subsection.' "—(*The Earl of Onslow*).

EARL CARRINGTON: By this Amendment the noble Earl seeks to enact that within three months after the receipt of the notice the landlord might require the council to purchase the land, and if within six months thereafter the council did not purchase, such land should not thereafter be authorised by any order under this Bill to be hired compulsorily by the council which had failed or refused to do—what?—to purchase under the provisions of this subsection. Yet the whole Bill is framed on the supposition that the land ought to be hired and not bought. I would make an earnest appeal to the noble Earl not to press the Amendment. It would strike absolutely at the root of the Bill, and by it one of the fundamental principles of the measure would be entirely destroyed.

VISCOUNT ST. ALDWYN said he attached great weight to the authority of Lord Onslow in this matter, but hoped that, in the circumstances, he would not press the Amendment.

LORD BALFOUR OF BURLEIGH agreed that it would be impossible to press the Amendment at this stage with any hope of success, but he trusted that, if it was withdrawn, it would be clearly understood that many noble Lords on that side of the House believed that in by far the large majority of cases the real hope of success of small holdings was to give permanency of title, and that security could be given to the small holder by purchase and purchase alone.

Amendment, by leave, withdrawn.

*LORD BARNARD moved to amend Subsection (1) of Clause 29—

> "(1) No land shall be authorised by an order under this Act to be acquired compulsorily which at the date of the order forms part of any park, garden, pleasure ground, home farm, or is required for the amenity or convenience of any dwelling-house, or is woodland or which at that date is the property of any local authority or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking"—

by omitting the words "authorised by an order under this Act to be," and inserting, after the word "compulsorily," the words "under this Act." He moved and explained the object of this Amendment in Committee and withdrew it on the understanding that His Majesty's Government would consider the point. The introduction of the words "authorised by an order under this Act" appeared to indicate the possibility or the intention of acquiring parks, gardens, pleasure grounds, etc., by some other means than the power under the Act. If not, there could be no objection to omitting the words.

Amendment moved—

> "In page 15, lines 27 and 28, to leave out the words 'authorised by an order under this Act to be'; and in line 28, after the word 'compulsorily' to insert the words 'under this Act.'"—(*Lord Barnard.*)

THE LORD CHANCELLOR: I said in Committee that I would examine the subsection and see whether I could detect any purpose such as the noble Lord appeared to apprehend, but I remain of the same opinion. It really does not matter whether the words are in or not. They certainly could not create other powers of taking, and I do not think they indicate other powers of taking.

On Question, Amendment agreed to.

Drafting Amendment agreed to.

THE EARL OF CAMPERDOWN reminded the House that in Committee the word "woodland" was added to the descriptions of land which were not to be taken. Objection was raised at the time by several noble Lords, including the Lord Chancellor, on the ground that there might be certain small plantations comprised within the area to be taken, and which, by his Amendment, it would not be possible to take. He had since considered the matter, and now proposed to insert, after the word "woodland," the words "not wholly surrounded by land acquired by a council under this Act," which would save such cases as those mentioned by the noble and learned Lord on the Woolsack.

Amendment moved—

> "In page 15, line 31, after the first 'or' to insert the word 'which,' and after the word 'woodland' to insert the words 'not wholly surrounded by land acquired by a council under this Act.'"—(*The Earl of Camperdown.*)

*LORD BARNARD said that even where there were small plantations on farms they were never let with the farm, and the landlord had access to them though the rest of the farm was let to an agricultural tenant. He did not know what county councils proposed to do with woodlands—whether they were going to have shooting parties or go in for forestry. He preferred the words as they were.

VISCOUNT ST. ALDWYN hoped the Amendment would be accepted. A landlord would have no object in retaining woodland in such a case.

EARL CARRINGTON: Perhaps the noble Earl will allow me to accept the Amendment provisionally.

THE EARL OF CAMPERDOWN: Certainly; but I would point out that the Amendment is in the noble Earl's favour.

On Question, Amendment agreed to.

THE EARL OF VERULAM moved to add, at the end of Subsection (1) the words, "or includes the site of any monument or place of historical or archæological interest." He thought it would be agreed that these valuable objects should be preserved to the nation.

Amendment moved—

"In page 15, line 34, after the word 'undertaking,' to insert the words 'or includes the site of any monument or place of historical or archæological interest.'"—(*The Earl of Verulam.*)

EARL CARRINGTON: It would be a grievous calamity if any such thing as the noble Earl fears should happen, but I think your Lordships can be certain that the Board of Agriculture would never make an order in these circumstances. Many things must be done before an order can be made, and any representation on this ground would certainly be favourably considered. I think it would be quite impossible for such a catastrophe as that anticipated to occur.

THE MARQUESS OF SALISBURY hoped the noble Earl would reconsider his decision and accept the Amendment. He was sure there was no Member of their Lordships' House who did not take a deep interest in the great historic remains in question, round which more than usually prominent interest had centred owing to the entertainments that had taken place recently in all parts of the country illustrating the various scenes in English history. These sites and monuments were of enormous interest to historians, and the Government would be doing a graceful thing if they accepted the Amendment.

EARL CARRINGTON: I sympathise entirely with the object in view and I do not think any danger need be feared. But if it is the wish of noble Lords opposite that these words should be inserted, I gladly accept them.

On Question, Amendment agreed to.

Consequential Amendment agreed to.

LORD HYLTON moved to amend Clause 32 by deleting the words "to the satisfaction of the Board," so that it would read "Where land has been hired by a council compulsorily under this Act or the Allotments Acts, and the land or any part thereof at any time during the tenancy thereof by the council is shown to be required by the landlord to be used for building, etc."—and reducing the period of notice from twelve months to six. The clause, if passed in its present form, would, he said, result in great loss and injury to landowners. There was a great deal of land which had at any given moment only a prospective building value and was let on an agricultural tenure, often at a low rent, in consideration of a clause giving power of resumption on the part of the landlord for purposes other than agriculture. These and similar lands were very likely, when this Bill became law, to be taken for the purpose of small holdings, and if there was great delay under the Act, as there would be unless his Amendment was accepted, in obtaining repossession on the part of the landlord for legitimate purposes of development, the landlord would be a heavy sufferer. He happened to have been for some years a trustee of a large charity, of which several Members of their Lordships' House were also trustees. That charity had very large property in counties in England, and the trustees in old days were in the habit of meeting only twice a year. A well-known firm of agents, who managed the business of the trustees, told him, before this Bill was on the *tapis* at all, that in those days it was almost impossible to get any development of the estates for building because prospective purchasers declined to wait six months for the trustees to meet, and so they passed on to the next owner. For the last few years the trustees had adopted a new scheme and met much more frequently, and there had since been a great difference in the development of the estates. This showed the advantage of being able quickly to resume possession of land. According to the clause as it stood in the Bill, the landlord would have to prove to the satisfaction of the Board that he wanted to resume the land for either of the purposes set forth. They all knew the long delays that ensued in dealing with a Government Department, and he did not think the officials of the Board of Agriculture, with the enormous amount of work which would certainly be thrown upon them under this Bill, were likely to prove less dilatory. Therefore, the practical result of passing Clause 32 in its present form would be that the power of resumption for any purpose of development would become a dead letter. This would not only be hard on the owner, but also against public interest, as it would prevent necessary development. When a person succeeded to land called prospective building land, but which was at present only agricultural land, the Inland Revenue put on an additional charge in respect of prospective building value; but if this clause remained as now, the landlord would be paying upon the basis of its being prospective building land, whereas it would remain agricultural land for ever. He would move, first, the omission of the words "to the satisfaction of the Board."

Amendment moved—

"In page 16, line 40, to leave out the words 'to the satisfaction of the Board.'"—(*Lord Hylton.*)

Earl CARRINGTON: The noble Lord moves to omit the words "to the satisfaction of the Board." Therefore the clause would read—

"Where land has been hired by a council compulsorily under this Act or the Allotments Acts and the land, or any part thereof, at any time during the tenancy thereof by the council is shown to be required by the landlord."

But to whom is it to be shown?

Lord HYLTON said he recognised that the Amendment as it stood was rather awkwardly worded, but he would like to get some satisfaction on the point.

Earl CARRINGTON: I suppose it would have to be shown to the satisfaction of a Court of Law. Here my commercial instincts again come in, for this idea would be certain to introduce litigation and expense, to avoid which is the great object of the Bill. We want to make the taking of land and all the consequent arrangements as straightforward and cheap as possible, and I still think that the Board of Agriculture would be the proper tribunal. We wish, of course, to safeguard in every way the rights of landlords; that is only proper. But I cannot see where the terrible delay which the noble Lord referred to is to arise. The noble Lord brought in the Inland Revenue. I cannot speak for that Department, but I can speak for the Board of Agriculture, and I can honestly say that I do not believe there is a lame duck in the whole of that office. They are all men who know their business and desire to transact it conscientiously and efficiently and with celerity, and I do not think there is any legitimate ground for the noble Lord's fears on this head. I therefore hope he will leave the words as they stand.

*The Marquess of LANSDOWNE: I quite understand the wish of my noble friend Lord Hylton that it should not be left to the entirely unfettered discretion of the Board to decide whether land ought not to be resumed for a particular purpose, but I venture to think that what he desires is provided for in the Amendment which stands in Lord St. Aldwyn's name immediately below this Amendment on the Paper, and I would suggest that he might withdraw his Amendment and allow us to consider the matter on Lord St. Aldwyn's Amendment.

Viscount HYLTON gladly complied with the noble Marquess's request.

Amendment, by leave, withdrawn.

Lord HYLTON then moved to amend the clause so that a landlord who required his land for building, mining, or other industrial purposes, could resume possession on giving the local authority six months previous notice in writing, and not twelve months as in the clause.

Amendment moved—

"In page 17, line 5, to leave out the word 'twelve,' and to insert the word 'six.'"—(*Lord Hylton.*)

Earl CARRINGTON: I am very sorry that I cannot accept this Amendment. Six months would be most inconvenient to the small holder. An agricultural tenant must have twelve months to harvest his crops.

LORD CLINTON hoped the noble Earl would reconsider the matter. The noble Earl had stated that the Government wished to safeguard in every way the rights of landlords, but if landlords could not resume possession without giving twelve months notice they would be in a much worse position than under ordinary leases.

THE EARL OF HARROWBY said that under the clause as it stood a landlord might have to wait in some cases two years before he could resume possession. He thought that would be a great injustice.

VISCOUNT ST. ALDWYN sympathised with the view of the noble Earl in charge of the Bill. He thought there would be considerable difficulties in resumption of the land with less than twelve months notice. Perhaps the insertion of the words "except in special circumstances" might be considered. He did not know whether that would meet Lord Hylton's point.

EARL CARRINGTON: I will consider that suggestion, but I cannot give any pledge.

LORD HYLTON argued that there would be no hardship to the tenant if his Amendment were carried, as compensation would, of course, be given. In letting this kind of land he invariably inserted a clause empowering resumption at three months notice, but always paid compensation to the agricultural tenant on resuming. The noble Earl seemed unaware of the great extent to which shorter periods than six months were inserted in leases all over the country.

EARL CARRINGTON: I cannot give way on this point. I think it would be very unreasonable to give only six months notice.

On Question, Amendment negatived.

VISCOUNT ST. ALDWYN moved to insert in the clause the new subsection referred to by Lord Lansdowne, and which he understood the noble Earl in charge of the Bill was prepared to accept.

Amendment moved—

"In page 17, line 10, after the word 'Board,' to insert the following subsection: 'Where the land has been hired compulsorily by the Commissioners acting in default of a county council, any quesion as to the right of the landlord to resume possession of the land or any part thereof under this section shall be determined by an arbitrator appointed by the Lord Chief Justice of England.'"—(*Viscount St. Aldwyn.*)

EARL CARRINGTON: I am prepared to accept this Amendment.

On Question, Amendment agreed to.

LORD KENYON moved an Amendment in Clause 38 with the object of limiting the power of county councils to employ any co-operative society as agents for promoting small holdings or allotments. He thought "any society" was too wide; it might include political societies. He therefore moved the insertion of the words "such society as is mentioned in Subsection (4) of this section," which would exclude the possibility of political societies being employed.

Amendment moved—

"In page 19, line 37, to leave out the words 'any society,' and to insert the words 'any such society as is mentioned in Subsection (4) of this section.'"—(*Lord Kenyon.*)

EARL CARRINGTON: There is no earthly desire on the part of the Government to employ any political society. This is a great national object, and I am obliged to the noble Lord for giving me the opportunity of pointing that out. I gladly accept the Amendment.

On Question, Amendment agreed to.

EARL CARRINGTON moved to amend Subsection (2) of Clause 38—

"(2) The county council, with the consent of, and subject to regulations made by, the Local Government Board, may for the purpose of assisting a society give guarantees or make grants or advances to the society, etc.—

by omitting the words "give guarantee or," and inserting other words. The noble Earl said: The object of this

Amendment is to meet the point raised in Committee by Lord Zouche of Haryngworth. We guarantee the advances that are made, but not the solvency of the society. I hope the House will accept the Amendment to omit the words "give guarantees or," and to insert, after the second "society," the words "or guarantee advances made to the society."

Amendment moved—

"In page 19, line 41, to leave out the words 'give guarantees or,' and in page 20, line 1, after the word 'society' to insert the words 'or guarantee advances made to the society.'"—(*Earl Carrington.*)

On Question, Amendment agreed to.

Lord ROBERTSON moved to amend Subsection (1) of Clause 42—

"(1) All questions which under this Act are referred to arbitration shall, unless otherwise expressly provided by this Act, be determined by a single arbitrator in accordance with the Agricultural Holdings (England) Acts, 1883 to 1906."

by inserting after the second "Act" the words "and subject to the provisions of Subsection (2) of this section." He stated that he withdrew this Amendment in Committee on the assurance of the noble and learned Lord on the Woolsack that the matter should be further considered. He thought it would be as well again to explain his proposal. The general provision in Clause 42 was that where there was a case of arbitration the arbitration should take place under the Agricultural Holdings (England) Acts, 1883 to 1906, and the practical effect of that was that the arbitrator was nominated by the Board of Agriculture. But in Subsection 2 of the clause this was departed from, for the reason that the Board of Agriculture acting in the place of a defaulting county council would be one of the parties to the transaction. The courage of the draftsman failed him at this point, for he saw that it would be impossible to allow the Board of Agriculture to nominate the arbitrator that was to decide in their own cause. But that argument equally applied to the first subsection, when it was remembered that the Commissioners might be a party, and the Commissioners were really the noble Earl at the head of the Department multiplied by two or three, or possibly 200. In these circumstances it seemed to him that fair play demanded that the nomination of the arbitrator should be taken out of the hands of the Board of Agriculture where the Commissioners were directly involved just as much as where the Board of Agriculture were directly involved. His proposal, in a word, was that in either case the parties might be allowed to agree upon an arbitrator in the first instance, or, if they did not agree, that the arbitrator should be appointed by the Lord Chief Justice.

Amendment moved—

"In page 21, line 2, after the word 'Act,' to insert the words 'and subject to the provisions of Subsection (2) of this section.'"—(*Lord Robertson.*)

The LORD CHANCELLOR: This Amendment has been considered since the Committee Stage in accordance with the promise which I then gave to the noble and learned Lord. There can be no question that the matters which the noble and learned Lord has in view are covered without the necessity of adopting the Amendment. But there are points which are not covered, as in the case of arbitrations under the Agricultural Holdings Acts for determining the questions of compensation between the Board and the tenant. Under the Bill as it stands the ordinary arbitrators under the Agricultural Holdings Acts would be the persons who would have to determine them. We think that these matters ought to be settled under the Agricultural Holdings Acts as similar questions hitherto have been. Section 27 of the Patents Act enables the Crown to use patents, and the Treasury has to determine the amount of compensation. Confidence is always shown in the public Departments in matters of this kind, and I understand that those who are responsible for the Bill attach importance to maintaining this clause as it stands. If the noble and learned Lord presses his Amendment and the House desire that it should be inserted, it will have to come up for consideration elsewhere; but I am afraid the Government in another place would not be likely to assent to it.

Viscount St. ALDWYN said that, if he rightly understood the explanation of the noble and learned Lord on the Woolsack, the only arbitrations which Lord Robertson sought to include which would not be so included would be arbitrations as between landlord and tenant, the county council in this case being the landlord and the tenant being the ordinary agricultural tenant under the Agricultural Holdings Acts as they existed apart from this Bill. He did not imagine that the provisions of the Bill with regard to arbitration or valuation were ever intended to affect the provisions of the Agricultural Holdings Acts as between landlord and tenant, and he did not quite appreciate the desire of Lord Robertson to include them.

On Question, Amendment negatived.

Lord KENYON moved an Amendment in Clause 45 providing that any notice required by the Bill to be served or given might be sent by "registered" post.

Amendment moved—

"In page 22, line 15, after the word 'by,' to insert the word 'registered.'"

Earl CARRINGTON: I accept the Amendment.

On Question, Amendment agreed to.

*Lord BARNARD called attention to the fact that Subsection (5), of Clause 45, had nothing whatever to do with the other part of the clause, and suggested that it should be set out as a separate clause.

Viscount St. ALDWYN agreed that the subsection in question should appear in the Bill as a separate clause.

The LORD CHANCELLOR: I quite concur. That is a matter which can be put right at the Table, and does not require a Motion.

*Lord BARNARD moved to leave out the first paragraph of Part II. of the First Schedule, which ran—

"(1) The Board shall make regulations for the purpose of carrying the order into effect and of protecting the council and the persons interested in the land, and the order shall incorporate such regulations, together with such provisions of the Lands Clauses Acts and of Section 77 to 85 of the Railway Clauses Consolidation Act, 1845, as may, subject to the prescribed adaptations, appear to the Board necessary or expedient for that purpose."

The Schedule itself had to be read with Subsection (2) of Clause 25, which provided that where a council proposed to hire land compulsorily, the council might submit to the Board an order for the compulsory hiring of the land, and the provisions of Part I. of the First Schedule should apply to the order, with the modifications set out in Part II. of that Schedule. If their Lordships would refer to the first paragraph of Part I. of the First Schedule they would see that it was, with the exception of verbal alterations, practically the same as the one which he was now moving to delete, but it did not give the same wide discretion to the Board. It incorporated regulations made by the Board, and he submitted that the paragraph which he proposed to omit was not needed at all. All that was necessary was provided for by Paragraph 1 of Part I., and it did not contain the objectionable words "appear to the Board necessary or expedient for that purpose." Perhaps the noble and learned Lord on the Woolsack would be able to reassure the House on this point. He expressed some misgivings as to the great powers which were given in the measure to a Government Department, and said they must not overlook the fact that Government Departments sometimes made use of their administrative powers in a manner that was never contemplated, as had been illustrated recently in the case of the Education Department. He expressed the hope that the House would have some reassurance that the Board did not intend to make any further alterations in the Lands Clauses Acts in these particular cases than were absolutely necessary to meet the circumstances of the case.

Amendment moved—

"In the first Schedule, page 24, lines 23 to 29, leave out paragraph (1)."—(*Lord Barnard.*)

The LORD CHANCELLOR: A similar question was raised in the Committee Stage, and I am able to reassure the noble Lord. As a matter of fact, he has made a general and also a particular criticism. In his general criticism the noble Lord complained of the tendency in modern legislation for Departments to frame by-laws and regulations. That tendency has no doubt been very common, for reasons into which I do not enter. The reason why it is provided that adaptations may be prescribed is that the Lands Clauses Acts are not framed for the purpose of dealing with compulsory hiring, but with compulsory purchase. If, therefore, you apply the Acts to hiring, it is needful to make a certain adaptation, and the words here criticised are intended to enable the Board to make these adaptations. The same words have been employed before for a similar purpose in regard to the same Acts, and I would refer my noble friend to Section 10, Subsection (8), of the Local Government Act of 1894. There is really no other method of dealing with the question. You must either enumerate or schedule the adaptations, or adopt the more flexible method of delegating power to the Government Department concerned.

Lord ROBERTSON said that the explanation of the noble and learned Lord was sufficient for the purposes of the present occasion, and his noble friend had rendered a service by calling attention to the subject. The Lord Chancellor had produced what was, he thought, a perfectly applicable precedent, but he was bound to say that he thought it would be for the consideration of Parliament afterwards whether that was a precedent that ought to be carried further. He could not advise his noble friend, however, to do more than enter his protest.

Amendment, by leave, withdrawn.

Earl CARRINGTON moved an Amendment providing, in the schedule relating to the provisions as to the compulsory hiring of land by a council, that the order authorising the land to be hired compulsorily should not, "except with the consent of the landlord," confer on the council any right to fell or cut timber or trees, etc. The noble Earl said: This Amendment was moved in Committee by Lord Camperdown and I accepted it, but it is not in the Bill as it stands. I, therefore, move to insert the words "except with the consent of the landlord."

Amendment moved—

"In the first Schedule, page 25, line 2, after the word 'not' to insert the words 'except with the consent of the landlord.'"—(*Earl Carrington.*)

The Earl of CAMPERDOWN said the noble Earl was not correct in stating that the Amendment to insert the words was carried in Committee. He moved their insertion, but withdrew the Amendment on the understanding that the words would be considered by the Government.

On Question, Amendment agreed to.

Consequential Amendment agreed to.

Viscount ST. ALDWYN said a difficulty arose in connection with Subsection (2) of Part II. which provided that—

"The order authorising the land to be hired compulsorily shall determine the terms and conditions of the hiring other than the rent, and in particular shall provide for the insertion in the lease of covenants by the council to insure to pay all taxes, rates, and charges usually borne by tenants to cultivate the land in a proper manner and (unless otherwise agreed) to keep the buildings and premises demised in repair and to pay to the landlord at the determination of the tenancy, on the council quitting the land, compensation for any depreciation of the land,"

and so on. The whole of the latter part of that portion of the subsection which he had read appeared to be governed by the words "unless otherwise agreed." He did not think that was intended. In his opinion, the words "unless otherwise agreed" were only intended to apply to the keeping of the buildings and premises demised in repair. He proposed to amend the subsection so that it would read—

". . . . shall provide for the insertion in the lease of covenants by the council to cultivate the land in a proper manner and to pay to the landlord at the determination of the tenancy on the council quitting the land, compensation for any depreciation of the land by reason of any failure by the council, or any person deriving title under them, to observe such covenants or by reason of any user of the land by the council or such person as aforesaid,"

and then would come in the words—

"and (unless otherwise agreed) to pay all taxes, rates, and charges usually borne be tenants, to insure the buildings and keep thy buildings and premises demised in repair,"

leaving the last-named matters, which were not so important as the others, and which might be fairly agreed upon, to be matters of agreement.

Amendment moved—

"In page 24, line 33, to omit the words 'to insure to pay all taxes, rates, and charges usually borne by the tenant.'"—(*Viscount St. Aldwyn.*)

On Question, Amendment agreed to.

Amendment moved—

"In page 24, line 34, to omit the words '(unless otherwise agreed) to keep the buildings in repair and.'"—(*Viscount St. Aldwyn.*)

On Question, Amendment agreed to.

Amendment moved—

"In page24, line 40, after the word aforesaid, to insert the words 'and (unless otherwise agreed) to pay all taxes, rates, and chargee usually borne by tenants, to insure the buildings and keep the buildings and premises demised in repair.'"—(*Viscount St. Aldwyn.*)

On Question, Amendment agreed to.

Viscount St. ALDWYN moved an Amendment providing that the Order should confer no right to take, sell, or carry away any minerals, gravel, sand, or clay, except so far as may be necessary to adapt the land for small holdings or allotments, and "for which proper compensation shall be paid to the landlord."

Amendment moved—

"In the first Schedule, [page 25, line 6, after the word 'allotments' [to insert the words 'for which proper compensation shall be paid to the landlord.'"—(*Viscount St. Aldwyn.*)

Earl CARRINGTON: I am prepared to agree to the Amendment if the noble Viscount will substitute the words "and except upon such terms as to payment to the landlord of the value of the minerals, etc., as shall be inserted in the Order."

Viscount St. ALDWYN said that this would leave it open to the Board of Agriculture not to insert in the Order any provision on the matter, and that clearly would not be right. Perhaps the noble Earl would accept the Amendment now, subject to further consideration.

On Question, Amendment agreed to.

Lord CLINTON moved to leave out Subsection (6) of the first Schedule. This was, he said, purely consequential upon the Amendment made in Committee by which arbitration was substituted for valuation. Now that valuation no longer appeared in the Schedule, he thought this subsection unnecessary.

Amendment moved—

"In the first Schedule, page 25, line 34, to leave out Subsection (6)."—(*Lord Clinton.*)

The LORD CHANCELLOR: Is it the case that all reference to valuation has disappeared? I should have thought that this subsection was very useful for those cases of valuation which still remain provided for in the Bill. Perhaps the noble Lord will let this matter stand over till the Third Reading, and we will consider whether the Amendment is purely consequential.

Lord CLINTON said that, as he understood the Third Reading was to be taken immediately, he would let his Amendment go to the Vote.

On Question, Amendment agreed to.

Then (Standing Order No. XXXIX. having been suspended),

Moved, "That the Bill be now read 3a."—(*Earl Carrington.*)

***The Marquess of LANSDOWNE**: My Lords, before the Third Reading is carried, I desire to express the feeling which I think is prevalent among noble Lords who sit round me of deep regret that so important a Bill should have come to the House in the last days of August. The Bill has quite lately been described by the Prime Minister as the most ambitious and greatest change in the agricultural system that any country has put forward in recent years. That description seems to me, in some respects, inflated. I agree that the Bill is ambitious, because it contains many new principles hitherto unknown to our legislation. But that it will effect a transformation of the agricultural system of the country I very greatly doubt. If the Bill does merit the description of the Prime Minister, is it not—I was going to say "outrageous" that it should not come under the notice of the House until the very last expiring days of the session? I press that point, because I shall always insist that this House has very special qualifications for dealing with measures concerning the agricultural interests of the country. When we are dealing with Bills affecting legal questions, we pay the greatest attention to the opinion of the great lawyers who sit in the House. If we deal with military and naval questions, we are glad to be guided to some extent by Members of those great services. Surely, then, in this House, where so large a number of its Members have an unrivalled acquaintance with the practical side of agriculture, when agricultural legislation is proposed, it is reasonable that we should have the fullest opportunity of considering it. In those circumstances, it is very hard that not only should the Bill come to us in the last days of the session, but that we should be warned by the Prime Minister that we are not expected to touch a single line of its more important provisions. I am not going, at this moment, to review the Bill. I only wish to say for myself that I am one of those who ungrudgingly accept the policy of extending small holdings; and I am quite ready, though perhaps not quite so ungrudgingly, to admit that compulsory powers should be resorted to for this purpose. Not that I believe there is any great need for them. I am under the impression that without compulsory powers you could have obtained almost all that was necessary. But I feel that there may be here and there cases in which such powers are useful, and also that unless such powers are included in the Bill it will always be open to those who criticise the class which is so largely represented in this House to say that, if the policy of the country in regard to small holdings has miscarried, it has been due to the obstruction of interested persons belonging to that class.

Of the Bill itself I will only say that to my mind it has two serious blots. The first is the subordination of the local authorities to the central Department at Whitehall. It is quite true that those authorities are not entirely ignored in this Bill, as they were in the Scottish Land Bill, but throughout they are put in the background and the officials of the Board of Agriculture are put in the forefront. Hitherto, where the interference of a central Department has been admitted, it has been admitted because the local authority failed to perform its duties. As I read the Bill, the *roles* of the Commissioners and the local authorities are inverted. The Commissioners are given the duty of putting pressure on the local authorities before the local authorities themselves have had a full opportunity of dealing with the question. The other blot is the unfairness of the terms under which owners of land are to be compelled to hire it. The lessor is to be compelled to grant a lease which is renewable for ever, on terms fixed for him by others, under conditions from which he cannot extricate himself, but from which the lessee can extricate himself at recurrent intervals. That is a thoroughly one-sided bargain.

I must add that on this side of the House we are far from satisfied with the manner in which the discussion of the measure has been conducted by noble Lords opposite. Throughout these debates—I hope the noble Earl will permit me to say so—the President of the Board of Agriculture has not as a rule addressed himself very closely to the arguments put forward from these Benches, but has been content to appeal to his own sincerity, which none of us question, and to the uprightness and high character of the officials to whom the administration of the Act is to be entrusted. That is, to my mind, not quite enough. But I should not have pressed that point if it had not been that I wished to say this—that I take the statements of the noble Earl seriously and as having been made in perfect good faith. We shall, however, watch the manner in which the Act is administered; and we shall ask ourselves, as time goes on, whether it is being administered in the considerate, scrupulous, and accurate manner which the noble Earl leads us to expect. If it is to be so administered, may I suggest that some little alteration in the point of view of the noble Earl might not be undesirable, because throughout the debates he has constantly used language which did not seem to be very conducive to such a good understanding as I hope will prevail in regard to the administration of the Act. The noble Earl has used phrases of this kind—"The agricultural labourers of this country live in fear of confiscation of what belongs to them"; "they exist in a state of degradation"; "under this Bill, for the first time, they would be able to walk upright," and so forth. Language of that kind, even on a political platform, is scarcely excusable. If the noble Earl desires his Act to be a success, he and those who will take their instructions from him should endeavour to deal with all the classes which the Act will affect, whether owners of land, farmers, or labourers, in that just and considerate spirit which he has told us, again and again, we might expect from him and his officials.

THE EARL OF FEVERSHAM: My Lords, the noble Marquess opposite stated, not long ago, that his ideal of a prosperous agricultural community was one in which you had large farms of from 300 to 400 acres, smaller farms of from 40 to 100 acres, and also small holders. My Lords, we have that ideal in North Yorkshire—we have those various classes on the land there. They have lived with their landlords in perfect harmony and peace. The relations between the various classes have been most happy, and I regret that there should be any necessity for such a Bill as this. What takes place in North Yorkshire can take place anywhere else in the country. You have only to imitate, and if any noble Lord comes down to North Yorkshire he will, I think, come to the same opinion—that there could not be a better state of things than exists in this country. Then where is the necessity for this Bill? Why bring in these compulsory powers? Nobody that I know of has ever refused to give small holdings. Nobody has refused allotments. I have given small holdings and allotments myself. We have plenty of cow-keepers and other men ready, as the noble Marquess (the Marquess of Lansdowne) has said, after a life of industry and thrift, to go up into higher stations and to become first small holders and then small farmers. What, then, is the necessity for this Bill? The fact is that this Bill in principle is one that is antagonistic to the general feeling of the country. If there is one thing which is characteristic of Englishmen more than another, it is their love of independence and their self-reliance in managing their own affairs. This Bill violates that principle. The agricultural interest does not want to be governed by a Government Department. We do not want our affairs interfered with by a bureaucracy, as I must call it, and in this way the Bill interrupts, in my humble opinion, the general happy state of the agricultural interest.

Then, again, there is another principle to which the noble Marquess has just alluded—the principle of over-riding the county councils, popularly elected bodies, by a Government official. What can be more prejudicial to the interests of local government? It is surprising that such a principle should be brought forward by the present Government. What happened last year on the Education Bill? We were told that we must take popular control. Fault was found with the system of management of schools, because they were not under sufficient popular control. Popular control was all very well with regard to that, but why are we to have this popular control—this body elected by a Liberal suffrage—overruled by a public department? Why violate that system of popular control which last year we were told was the great principle and policy of the Liberal Party? I protest therefore against this principle. I thank your Lordships for listening to me for so long, and I will not detain you further at this late hour. I agree with the noble Marquess that it is most melancholy, to say the least of it, that this important Bill, affecting the rights of property and the interests of the landed proprietors of this country, should be brought in at the very fag-end of the session, and hurried through all its stages within two Sundays. I think that is not the way in which we ought to legislate, or to administer the affairs of the country. This is a Bill against which I protest as being an unfair and unnecessary attack upon the rights and privileges of the landed interests of this country.

THE LORD PRIVY SEAL (THE MARQUESS OF RIPON): My Lords, I am not at all surprised by the opening remarks of my noble friend the noble Marquess opposite (the Marquess of Lansdowne). I quite admit this is a late period of the year for the consideration of a Bill of this kind. I have had often to say lately, as well as in former times, that I have very little belief in the possibility of remedying difficulties of this kind. I hope that it may be found in future sessions more easy to do so than it has been in this session, but I very much doubt, from my experience of Governments of both Parties, whether it will be easy so to arrange the business of the session as that there may not be a considerable overcrowding of measures during the last few weeks that the session lasts. I am perfectly willing to apologise to the House and to my noble friend for the circumstances under which this Bill has arrived here, but I am bound also to say that it appears to me that it has received a great deal of very careful and intelligent—if I may be permitted to use the word—consideration from your Lordships' House, and that you have shown that great knowledge of questions relating to the land which my noble friend has claimed for you. But, my noble friend has no right to claim that the Members of this House represent the great agricultural population, or the agricultural needs of this country, except in one direction. They represent a certain class deeply interested in the agricultural arrangements of the country, but they represent one class only, and therefore, I think they can claim no right to have exclusive authority over questions of this kind.

My noble friend consents to the Third Reading of the Bill, and he even went so far as to say that he wished success to the system which is going to be established under it. I have not the least doubt that my noble friend is perfectly sincere in that expression of his desire for the successful and widespread establishment of small holdings throughout the country, and I only hope that when the Bill has become law, as I trust it will, it will receive the practical support—locally as well as generally—of my noble friend opposite, and of his friends. I do not think the best way of making this Bill a success is to decry it just at the hour of its birth, but I have no doubt that it will be taken up and received with encouragement by those who sit opposite to us on this occasion.

A great deal has been said by my noble friend to-night, and a great deal has been said also in the course of these discussions, with respect to the interference with county councils and other local bodies, and my noble friend particularly seemed to think that the Commissioners to be appointed under this Bill would make themselves exceedingly troublesome to county councils, and take every possible opportunity of interfering with them. The first duty of those Commissioners, as I understand it, will be to inquire into and ascertain the state of things which exists, and where county councils have been doing their utmost to make use of the Acts which already are in existence, and of that Act of 1892 which has been in existence for fifteen years, I do not think they will be much troubled by these Commissioners, and I am quite sure that my noble friend behind me (Earl Carrington) will take care that these Commissioners, being his officers, and he being responsible to Parliament for their action, shall not unnecessarily interfere with local bodies who are doing their duty. But, when we recollect that, as I have just said, it is fifteen years since the Act of 1892 was passed, and when we look at the very small and limited results that that Act has hitherto produced, and when we see how impressed the late Government was by that fact—because they established a Departmental Committee to inquire into the whole subject—I think your Lordships cannot be surprised that His Majesty's Government, taking a deep interest in this subject, believing that the extension of small holdings is a very important matter, should have felt it their duty to pass a Bill which gives sufficient powers to secure that the delay which has taken place between 1892 and the present time should not be continued.

When we hear these complaints about steps which may be taken to require county councils to discharge the functions entrusted to them by Parliament, I would venture to remind your Lordships, as you have been reminded before in the course of these discussions, that these powers are not novel, that powers of this kind have been entrusted to public Departments in dealing with great representative local bodies before now, and that we are not in fact assuming any undue central authority over local bodies of this kind. Our object is this. We believe that it will be a very valuable improvement of the agricultural organisation of the country if we are by this measure, or by any other measures, enabled to retain upon the land any considerable number of those who are now flowing year by year from the land into the large towns. I confess that like my right hon. friend who had charge of the Bill in the House of Commons, I do not myself expect that the result of this measure will be to bring back to the land many of those who have left it, but what I do believe is that it may have the effect—I hope it will have the effect—of retaining upon the land men who might otherwise be inclined to pass into the great towns. That I believe to be a great public and national object. I believe it to be an object fully justifying the large powers—for large powers I admit them to be—which are taken in this Bill for the purpose of securing the objects which it has in view. Your Lordships may not like those powers. We all of us like to have the unfettered management of our own affairs. I sympathise, and sympathise greatly, with the feelings of many noble Lords opposite, but what I do feel is this—that there is here before us a sufficient national object to justify us in calling upon the landlords of this country to lay aside many of their own personal feelings, as I believe they will do, for the purpose of bringing about this great object that we have in view.

My noble friend seemed to doubt—I do not exactly know why he should have doubted, but he seemed to doubt—that my noble friend behind me, the President of the Board of Agriculture and Fisheries, would sincerely carry out the promises which he had made in this House.

*THE MARQUESS OF LANSDOWNE: No—on the contrary, I said I did not question my noble friend's sincerity.

THE MARQUESS OF RIPON: At any rate, what the noble Lord did was to give broad hints to my noble friend as to how he should carry out his undertakings. I have no doubt—your Lordships have no doubt—that my noble friend behind me will do that which he has told your Lordships he intends to do, and will administer this Bill, if it becomes law, in the spirit which he has told you he intends to be guided by. My noble friend will no doubt have a great and serious responsibility. The inauguration of a new system of this kind must always put a very serious responsibility upon any Minister who is charged with it. But I have no doubt that my noble friend will remember in administering this new law that, while his first duty and his first object will be to see that the new Act is successful in carrying out the operations which it is intended to effect, he is charged with the interests of the three great divisions of the people who dwell on the land—the labouring classes, the farmers, and the landlords. And I would wish to express one opinion which I entertain upon this subject—that of those three classes, the one that will make the largest call upon my noble friend behind me for his consideration is the farming class.

I believe that I have answered the remarks which fell from my noble friend. I thank him for the tone of the observations which he has made, and I earnestly believe that this measure will be one which will improve the condition of the great mass of the people in the rural districts, and if it be successful in that great object, it will be a cause of pride to all those who had a hand in carrying it out.

Question put, and agreed to.

Bill read 3^a, with the Amendments.

VISCOUNT ST. ALDWYN: My Lords, in Committee my noble friend Lord Galway succeeded in inducing your Lordships to omit what was then the second sub-section of Clause 20, which enabled parish councils to build dwelling houses. In doing so, I think my noble friend forgot that the effect of the Amendment which he carried would be to abolish the powers given by the Act of 1894 to parish councils to erect on allotments stables, cow-houses, and barns, and I wish to move an Amendment in the Bill to make it clear that those provisions will still remain in force.

On Question, Amendment agreed to.

Bill passed, and returned to the Commons, and to be printed, as amended. (No. 212.)

CABS AND STAGE CARRIAGES (LONDON) BILL.

[SECOND READING.]

Order of the day for the Second Reading, read.

EARL BEAUCHAMP: My Lords, I beg leave to move that this Bill be read a second time, but as I understand that there will be no opportunity to-day of going beyond the Second Reading, I will not venture to detain your Lordships very long. I am told there will be Amendments moved to one clause in this Bill, and although I should like to say something upon that clause in a few minutes, I shall not even on that question presume to detain you at any length. But I should like to point out with regard to this Bill that the first clause is one which is intended to relieve the Home Secretary of certain restrictions which he is under at the present moment with regard to taximeters. Your Lordships will readily understand that legislation passed a good many years ago does not easily lend itself to modern forms of locomotion, and that therefore the Home Secretary is in considerable difficulty at the present time in dealing with these taximeters, and this clause is intended to make his position easier and simpler in the matter.

Clause 3 is required in order that he may have powers over stage carriages which come from some place beyond London. Owing to some—I think I may say—defect in drafting previous Bills the Home Secretary has no power if they start outside, and then come within the limits of the county of London.

The second clause is the clause to which Amendments are likely to be moved, and I should like to say at once that what is really in the mind of the Home Secretary and His Majesty's Government in this matter is to meet the convenience of the travelling public, and it is their opinion, following out the opinion of Committees which have inquired into this question, that that condition will be most easily met by abolishing the privilege system. I think a good many of us would be glad if we found, when we arrived at the great terminal stations of London, taxicabs waiting to take us to our destination, and that, I hope, will be one of the results of the passing of this Bill.

I should like to draw your Lordships' attention to the fact that not only a Select Committee of the other House, but also a Departmental Committee which sat in 1895, have reported in favour of the abolition of the privilege system. I think it is important that I should point out to noble Lords who are interested in the question from the point of view of the railway companies that this Bill does not in any way—nor does this clause in any way—interfere with their control over the cabs which are in the station. With regard to cabs which are in the station, if the cabmen behave badly and do not accept the directions of the officers of the company, they can be turned out, and if any man is either drunk or brings a horse which is unfit to be driven into the station, it will be equally possible for the company to refuse admittance. But your Lordships will realise, especially by noticing Sub-section (3), Clause 2, that what the Secretary of State really requires is that a fair trial should be given to this open system. It has been tried in the past, but not fairly tried. It was only tried at one single station—at Waterloo—and it is obvious, I think, to your Lordships, that any experiment of that kind must be tried widely in order that we may be sure what its effect will be. Under Sub-section (3) the Secretary of State is empowered, if he finds that the open system is less convenient to the public, to suspend the operation of the section, so that I think your Lordships may be quite sure that there will be nothing in this Bill which will interfere with the convenience of the travelling public. But I may say that His Majesty's Government will be very willing to meet noble Lords who are interested in this question from the point of view of the railway companies, by moving any Amendments, or by agreeing to any Amendments, to make the position of the railway companies quite clear with regard to the cabs which come within the station, and I am not without hope that noble Lords opposite will see their way to agree to some Amendment which will meet their views in this matter. At any rate, I think I may say that this is a change which is very much desired by all the cabmen in London at the present time. I do not think that the cab industry is in a very prosperous condition, and the cabmen think, not unnaturally, that the adoption of this open system will go far to assist them. Under these circumstances, it is not surprising that they should wish it, and I may say that they have given an undertaking to do their best to supply the public as well as they have been supplied in the past.

My Lords, finally let me say this—that of course there is no matter of controversy as between the two sides of the House. There was a division in Committee, and also in the Whole House in another place on this question, and the maintenance of this clause as it stands, was carried by a majority of something like 174 to 26. I think those were the exact figures. The majority included London Members on both sides of the House, and I think I may say generally that the London Members, irrespective of Party, are anxious that this Bill should pass. Therefore, I venture to ask your Lordships to give a Second Reading to this Bill, and if you are willing to do that this afternoon, I would suggest, if it meets the convenience of noble Lords opposite, Monday for the Committee stage.

Moved, "That the Bill be now read 2ª."—(*Earl Beauchamp.*)

THE DUKE OF NORTHUMBERLAND: I do not think it would be respectful to the Government or to the noble Lord, after the remarks which he has made, not to give him fair notice that there will be considerable opposition to the second clause of this Bill. I quite agree that this is not the time to discuss at full length special clauses of the Bill, but this Bill is in a sense rather a peculiar one, because it is a Bill composed of two distinct portions having no relation whatever to one another. The second portion deals entirely with privileged cabs, and the remaining part of the Bill with other questions altogether, and what I would from the first wish to impress upon your Lordships is that you may omit Clause 2 of the Bill and leave the whole of the rest of the Bill absolutely intact.

I was extremely pleased to hear from the noble Lord that what the Government had most at heart was the convenience of the public, because if that is really the case, I do not think there will be much difficulty, when we come to the discussion of the clause, in proving that the convenience of the public will be most certainly sacrificed by the insertion of this clause in the Bill. I do not think the noble Lord was quite right in all his facts. He said that this plan of the open cab system had only been tried at one station, and that that station was Waterloo. As a matter of fact it has not only been tried, but I believe at one part of the station at Waterloo it has always been in operation, and it was tried for a considerable time at another station—namely, at Charing Cross. In the latter case it failed most hopelessly, as I will endeavour to show, and in the former case, where it already exists, the noble Lord has only to open *The Times* of the two last days to see the experiences of the travelling public of the country narrated in letters to that newspaper. But I do not wish to detain your Lordships by discussing what I shall have to discuss at some length, I am afraid, when this Bill gets into Committee, and I only now wish to warn your

Lordships that most strenuous opposition will be offered to this clause, although on the other hand I may say that that opposition will not imply any hostility to the Bill in general.

LORD STALBRIDGE: I certainly do not propose to keep your Lordships for any length of time on the present occasion, because I shall reserve most of my remarks for a later stage, when there will be a Motion to reject Clause 2 with reference to cabs. The noble Duke (the Duke of Northumberland) has pointed out that this experiment of open cabs has already been tried, and, as the noble Duke said, has failed signally. There is absolute unanimity amongst all the railway companies having large termini in the Metropolis that anything so destructive to the convenience of the public as the doing away with this system, which has been found to answer so admirably for many years past, could not be found.

The noble Lord (Earl Beauchamp) told us that cabmen say that they will make arrangements to meet the convenience of the public in future. I read what the right hon. Gentleman the Home Secretary said in the other House with reference to that, which was simply this—that he understood from cabmen that they would go wherever there was a job, and that from his knowledge of cabmen, they would go where a good job offered itself. Anything more childish than that to put forward as a means of superseding an organisation which has grown up during many years, and which has been found to succeed, can scarcely, I think, be imagined. It is proposed to leave everything to haphazard. This is not a case in which things can be left to haphazard, as I shall be able to show when the matter comes to be discussed in detail.

I may perhaps mention one instance in order to show your Lordships what can be done—what is done now, and what cannot be done in the future under the proposed new system. A large transatlantic steamer lands two or three hundred passengers in Liverpool. She may be four or five hours late, or she may be half a day late. We get notice of the arrival of that steamer some four hours beforehand, and then we send to the cab-owners whom we know, and whom we have arrangements with, and so secure that there shall be a sufficient number of cabs to meet the train. In future, what is to happen? Are we to send a crier round to all the cab-stands to say: "Cabs wanted at three in the morning"? If we did that, how many would attend? That is only one instance in which the open system would inevitably fail, and I hope we shall be able to prove to your Lordships that it will not be for the convenience of the travelling public that the present system should be got rid of.

LORD BALFOUR OF BURLEIGH: I have no desire to prolong the discussion, but I was very much struck by one remark of the noble Lord opposite (Earl Beauchamp). He said that the opinion of the London Members was unanimous on this matter. I want to know why the opinions of London Members are particularly indicative of the wants and wishes of people arriving from the country. I can suggest another reason why the London Members are likely to be all on one side in this matter, and that reason may even have occurred to the noble Lord opposite. That reason is that their constituents are interested in the matter, and that they have more care for the opinion of one or two of their constituents than for the opinions of the vague travelling public who have no votes to give them.

Question put, and agreed to.

Bill read 2ª accordingly, and committed to a Committee of the Whole House on Monday next.

FACTORY AND WORKSHOP BILL [H.L.].

Order of the Day, for the consideration of the Commons Amendments, read.

EARL BEAUCHAMP: I beg to move that these Amendments be considered. I do not know whether it will be to the convenience of the noble Lords opposite that I should say what I have to say at once, or go through each Amendment separately. There is only one Amendment of any substance.

Moved, "That the Commons Amendments be now considered."—(*Earl Beauchamp.*)

On Question, Motion agreed to.

EARL BEAUCHAMP: As I have said, there is only one Amendment of any substance, and perhaps it would meet the view of your Lordships if I proceed to say something on that at once. It is the Amendment in page 4, lines 23 to 26, to leave out Paragraph (d), and to insert a new subsection. All the other Amendments, I think, are in a direction which commended itself to the critics of the Bill when it was first before your Lordships' House. This particular Amendment goes in a somewhat contrary direction, but I hope I shall be able to show to your Lordships that it is not of very great importance, that it will affect very few places, and that the institutions which are affected are, after all, only a very small proportion of the laundries which are affected by the Bill, because your Lordships must remember that this Bill deals with all laundries. The institutional laundries are in a separate category altogether, and amongst the institutions there are a certain number which will be affected by this Amendment. The institutions affected by Clause 5 only number some 230, while the ordinary commercial laundries number something like 7,000, and even then, out of those 230 which I have mentioned, this Subsection (d) only refers to those who are engaged in reformatory and rescue work, and does not apply to all those laundries of which there are a considerable number which are of a charitable nature—orphanages and places of that kind—in which laundry work is carried on. It merely applies, as I have said, to those concerned in reformatory and rescue work. I think I must say—what will be obvious to your Lordships who are acquainted with the subject—that this Amendment is a compromise between various sections, between the Government and those who are anxious that there should be an Amendment in this direction. The Home Secretary agreed, in consequence of what took place in Committee, to support this Amendment in the House of Commons, and I think that House took very much the same view as the Committee—that, although it was not ideal, still it was a great deal better to have this Amendment incorporated in the Bill than to do anything which would risk the passage of the Bill this year. Under these circumstances I venture to hope that your Lordships will consent to agree to these Amendments, and to allow this Bill to become law this year.

THE LORD BISHOP OF LONDON said he had only one single observation to make. He did not at all wish to oppose what the noble Lord had said, but only wanted to make it quite clear on behalf of the most rev. Primate that there was no wish on the part of institutions connected with the Church of England that the inspection clause should be in any way modified. He was very anxious to have it understood that while it was quite true that these particular laundries should be inspected in a different way from others, yet they courted the fullest inspection of all those which were connected with the Church of England.

*LORD DUNBOYNE was about to move to disagree with the Commons Amendment to Clause 2, when

THE LORD CHANCELLOR said: My Lords, it will perhaps be to the convenience of the House first to agree to those Amendments to which there is no opposition.

On Question, "That the House agree to the Commons Amendments down to page 2, line 22," Motion agreed to.

*LORD DUNBOYNE moved to disagree with the Commons Amendment leaving out Paragraph (7) and inserting a new paragraph. It seemed to him that the noble Lord who spoke in favour of this Amendment gave excellent reasons why it should be rejected. He stated that the number of institutions which would be affected by it was very small, but if the number affected was so very small as was stated, was that a reason why they should be exempt from proper supervision? It also seemed to him that the institutions which it was desired to except were those which it was particularly desirable should be inspected. They were all institutions in which the inmates were to a great extent there compulsorily, and he thought it extremely expedient that in all places where people were congregated together for any purpose, whether for commercial, religious, or any other reasons—where people were compulsorily congregated together, whether the compulsion was moral or physical—he would not go into that question at all—it was essential that in all those cases the institution should be open to the most complete inspection. Here it was desired not to allow any of the inmates to be inspected or spoken to except in the presence of one of the managers of the institution. What possible reason could there be for this unless it was that there was something which it was desired to conceal ? He himself had visited one of these institutions, and had been told not to speak very loud, because somebody was listening on the other side of the door to everything that was being said. If people were not be to allowed to converse freely with an inspector, and if one of the managers was to be present on the occasion, it seemed to him that the inspection would be worse than useless. All the other institutions of a similar character were to have the benefit of the clause as to inspection without the presence of one of the managers, and why should these few be exempted from the general rule ? He could see no reason for it. He thought it was absolutely necessary that all these institutions where inmates were compulsorily kept should be open to the fullest inspection, and he begged therefore to move to disagree with this Amendment of the Commons.

Moved, " That this House doth disagree with Commons Amendment to leave out Paragraph (d) and insert new paragraph in place thereof."—(*Lord Dunboyne.*)

Lord BALFOUR of BURLEIGH wished to associate himself with the remarks of the right rev. Prelate (the Lord Bishop of London) because he had taken some part, as would be remembered, in an attempt to modify this Bill at a previous stage. Two things were beyond all question. The first was that on that occasion the noble Lord who represented the Home Office met those who were associated with him (Lord Balfour of Burleigh) in a most conciliatory spirit, and gave them very nearly all that they were inclined to ask. The whole management of this Bill by the Home Office had been extremely conciliatory, and inspired him with the hope that it was the intention of the Home Office to administer the Bill in a thoroughly satisfactory manner. Not only the public declarations of the Home Secretary, but what had been said in their Lordships' House on previous occasions had given those with whom he was associated in this matter great confidence as to the methods by which this great change in the law would be worked. It was quite clear that the clause which the noble Lord (Lord Dunboyne) objected to went much further in the same direction than he and those who were with him had asked. As the matter had been adjusted in the other House, he thought it would be ungracious on the part of those who shared the views which he held to object to the concessions given to other people, who, although they did not consider them necessary for the purposes they had in view, were in no way an infringement of the principle for which they had contended, and if the Bill was wisely and carefully administered by the Home Office, he had no doubt that those concessions would serve an equally good purpose with those which had been granted to him and to those who thought with him.

The Duke of NORFOLK said he should certainly support the appeal of the noble Lord, Lord Balfour of Burleigh, not in any way to infringe the compromise which had been come to. As had been said, the Home Office had shown a great desire to meet the views which had been put before them, and although he for one had no strong feeling on this matter, he could bear out what had been said by the right rev. Prelate, and a great many of his co-religionists had the same feeling as he himself had upon this subject. Still, there was a great deal of opinion quite apart from religious opinion at all—he had heard people who were not Roman Catholics urge the same view with great force—

that it was very important that in those establishments which were conducted on a disciplinary system, the inmates must not be allowed in any way to believe that those under whose control they were placed were not to be trusted, and were not their friends, and so forth. That was a view which was strongly held, and which might be argued with great force. But his immediate point was that the Home Office had done their best to deal with very conflicting opinions, and that it would be very ungracious on their part to seek in any way to go back upon the compromise to which they had agreed. He certainly trusted that their Lordships would not decline to accept the Amendment of the Commons on this matter.

THE MARQUESS OF SALISBURY said that some of their Lordships were placed in rather a difficult position by the debate which had taken place, because Members of their Lordships' House, all of whom enjoyed the very great respect of their Lordships, differed on the subject. A great deal had been said about the compromise in another place. He was always a little distrustful of accounts which were given in their Lordships' House of what passed in another place, because it was very difficult for them to arrive at a certain knowledge of what had taken place. Of course, if there was anything in the nature of an honourable understanding, he need hardly say that all their Lordships would feel that that had very great weight, but unless he was mistaken, His Majesty's Government in another place were very much opposed originally to this clause. The noble Lord who represented the Home Office would correct him if he was wrong, but he believed that to be the case, and, therefore, he was not quite sure, when compromise was spoken of, between whom the compromise had taken place. It did not take place between the Church of England and the Government, because, as they knew from the right rev. Prelate (the Bishop of London), there was no such desire on the part of the Church of England. It did not take place between the Church of Scotland and the Government, because they had in that House almost the greatest living representative of the Church of Scotland—namely, his noble friend, Lord Balfour of Burleigh, who had told their Lordships that, so far as he was concerned, he did not wish specially for this clause. He wondered, therefore, between whom the compromise, as it was called, had taken place. If it was only a compromise between one section of the majority of His Majesty's Government and another section, that was a compromise with which their Lordships had nothing whatever to do. Therefore, they were rather brought back to the merits of the question which, after all, must not be forgotten in a discussion of this kind. What were the merits of this question? There was no doubt whatever that it was the settled policy of Parliament that these laundries should be inspected, and the reasons were very well known. It was because in the wisdom of Parliament, with which, he thought, they would all agree, all those large centres of employment required to be inspected in order that there should be security that the factory laws were obeyed. That was the reason for inspection. That was applied with great vigour—with great rigour, he might say, but not with too much vigour—to all the factories and workshops in the kingdom, and it would be applied to laundries, amongst other establishments, as soon as this Bill passed into law. The question, then, for their Lordships was, ought the rigidity of the inspection of these laundries to be waived in a particular class of cases, or ought it not? That really was the issue on the merits. Personally he had great sympathy with all these institutions which were connected with religious bodies, because he thought the religious bodies who had established such institutions were deserving of the very highest credit, and of the thanks of the community for having taken so much trouble and spent so much money and so much effort—wholly unrewarded so far as temporary reward was concerned—on behalf of these poor people. But he did not think they could shut their eyes to the fact that it was possible that in these institutions irregularities in regard to the Factory Laws might take place, and it was difficult for them to find an answer to the commercial laundries who said, "We are competing with these institutional laundries; you impose very rigid conditions upon us, but you do not impose the same rigid conditions upon our competitors. We are both competing in one market, and yet one set of factories is bound by these rules, while others are not." He thought that, *prima facie,* it was very difficult to escape from the conclusion that, unless there were very special reasons to the contrary, all factories ought to be treated alike. Was there a very special reason in this case? That was what he would like his noble friends who were interested in these institutions to tell them. If they could show that there really were very special reasons, that might be a reason why their Lordships should waive the rigidity of inspection in those cases. He did not for a moment desire, nor did any of their Lordships, to do anything by way of legislation which would interfere with the religious or disciplinary rules which existed in such establishments as those in question; but was it possible to say that an inspection of the kind proposed did so interfere? He could quite understand that if it was proposed, for instance, that men should be the inspectors of convent laundries, that would be a very gross and improper proposal, but he did not entertain a doubt that in every laundry of that kind which belonged to a convent, the inspector would be one of the many women factory inspectors, so that no difficulty of that kind would arise. The sole point was, as it appeared to him—and he would no doubt be corrected if he was wrong—whether the inmates ought to be accompanied by an officer of the institution or whether the inspector ought to have the right, if he pleased, to see the inmates alone. He would suggest to some of his noble friends who deprecated such an inspection that it was not really to their interest to seem as if they had anything to conceal. Of course, if they made a strong case his words might be considered to be eliminated, but if they did not make a strong case, he would suggest that it would not be to their interest to act as though they had something to conceal, because there were numbers of persons outside who had not the same confidence in the integrity of those who conducted these institutions as he had, and who, owing to prejudices of a religious or other character, might say, and even believe, things which had no foundation in fact. Therefore, unless his noble friends had a very strong view on the subject, he was inclined to suggest that they should accept the Amendment moved by his noble friend (Lord Dunboyne).

LORD CLIFFORD OF CHUDLEIGH said he would endeavour to meet the wishes of the noble Lord (the Marquess of Salisbury) and to state the case of those who wished to exempt certain particular institutions from the operation of the clause. As the noble Marquess rightly said, the inspection under the Factory Acts was imposed upon all factories except those used for reformatory or charitable purposes, and he claimed that those regulations and rules should be enforced with regard to charitable and reformatory institutions in precisely the same manner. If that inspection only went to the condition of those institutions as factories and workshops he was sure no one would have a word to say, but among many of these institutions there was the fear that whereas a factory had no secondary or subsidiary object other than that of a factory, these institutions had a secondary, or another object, and they were afraid that that other object might be seriously interfered with by the restrictions which were imposed for a totally different purpose, namely, for the purpose of seeing that no infringement of the Factories and Workshops Acts took place within those institutions. Some of their Lordships might think these fears exaggerated, but he could assure them that in some cases they were very real and very sincere. The noble Duke (the Duke of Norfolk), had pointed out some of the reasons why in those institutions which were of a disciplinary nature, it might make a very great difference to the enforcement of discipline if an outsider came in, even for a perfectly proper reason, and gave a sort of impression to the inmates that there was an authority above the authority under which they were put. Such an impression, if created on the minds of the inmates, would seriously impair the efficiency of the institutions. The appeal he was going to make to their Lordships was this—whether they agreed with him, or whether they did not, they would recognise the wisdom of the action of the Government in this—that, when they were imposing new conditions upon institutions which hitherto had been outside this law of inspection, and which had fears and anxieties about the way in which it would be carried out, it would be a wise thing to begin with a wise and gentle hand, and he had no doubt that most of these institutions, when once they were accustomed to, and familiar with, the inspection which all their Lordships agreed was necessary and beneficial, would place no difficulty whatever in the way of its being carried out in a manner which would be satisfactory to everyone and satisfactory to their Lordships' House.

VISCOUNT **HALIFAX** said he had been for many years concerned in charitable institutions in the hands of religious bodies, and many of those institutions were engaged in laundry and other industrial work. Their primary object, however, was not so much the work they undertook as the welfare of the destitute children who were under the charge of the ladies responsible for those institutions. He could say from his own personal experience, extending over a great many years, that there was never a shadow of doubt about the treatment of the children, and that the children themselves, after having left the homes and started in life, were always anxious to come back, feeling that those with whom they had been entrusted as children were the best friends they had. He was sure that among those engaged in the management of such institutions there would hardly be found a divergent opinion with regard to this—that it was quite possible very seriously to interfere with the good management of those institutions if anything excessive were introduced into the law with regard to inspection. He wished to re-echo what had fallen from other noble Lords as to their gratitude for the action of the Government in this matter, and for the very considerate way in which they had treated this question.

EARL **BEAUCHAMP**: I do not think I need say very much in answer to what has fallen from the noble Lord (Lord Dunboyne) or from the noble Marquess (the Marquess of Salisbury), because the question of the principle as to whether these institutional laundries should be treated somewhat differently from the ordinary commercial laundries was debated in your Lordships' House at an earlier portion of the session, and your Lordships then agreed that these special laundries should be treated under certain circumstances, which were set forth, in a somewhat exceptional manner. What happened was that in response to representations made to the Home Secretary, he agreed to make this concession—that in a certain number (a very small number) of these laundries the interviews should take place in the presence of one of the persons having charge of the institution. As I have said before, this concession only affects a very small number of institutions, and it was the concession in this direction by which, and by which alone, the passage of this Bill was ensured in another place. This is a matter which for twelve years and more has agitated the Home Office under one Home Secretary after another, and they have all been anxious to deal with the question. Now we are within what I think I may call a very short and measurable distance of dealing with it satisfactorily under the honourable understanding which was arrived at in another place, and if the noble Marquess insists upon dividing the House, I can only tell him that the Bill will be lost.

*THE MARQUESS OF **LANSDOWNE**: The noble Lord in charge of the Bill, in the first observations which he addressed to us, said he did not regard this arrangement as by any means an ideal one. It was recommended to us as a compromise, and if I may say so, I never read a clause more redolent of compromise than the one now before us. It has all the attributes of compromise. It is the most invertebrate clause I have ever read. Your Lordships will observe, in the first place, that there is what virtually comes to a dispensing power accorded to the managers of these institutions. If they withhold their consent, then there may be no examination of an inmate of one of these institutions save in the presence of one of the managers. To my mind, that suggests the idea of an inspection which really is not worthy of the name of an inspection at all. Then in the proviso which follows, there is another dispensing power—this time for the Secretary of State. It seems to me to come to this, that if this Amendment is accepted, these institutions virtually are to enjoy immunity from any inspection worthy of the name. Under these circumstances, I confess that my first impulse would have been to vote against the Amendment, but having listened to what has been said, I gather from those who speak on behalf of the Government that the exception we are asked to make is to be made in favour of a very small number of institutions, and that it has been agreed to as the result of discussions and negotiations which have satisfied the noble Lord in charge of the Bill that an arrangement of this kind is absolutely essential if the Bill is to be saved. I am not prepared to disregard a statement of that kind made in the name of His Majesty's Government, and, therefore, although I must say with very great misgivings, I shall not support the proposal of my noble friend Lord Dunboyne.

Commons Amendment agreed to.

EMPLOYERS' LIABILITY INSURANCE COMPANIES BILL.

[SECOND READING.]

Order of the Day for the Second Reading read.

THE EARL OF GRANARD: My Lords, the Bill I venture to ask your Lordships to read a second time to-day is one which has received the general assent of the House of Commons. In that House it was never divided against. The object is to apply the provisions of the Life Assurance Act of 1870 to companies carrying on insurance business with regard to workmen's compensation and employers' liability. The Bill has really become necessary owing to the coming into operation on the 1st July of this year of the Workmen's Compensation Act. It is computed that something like six millions of additional workers are brought in, and these have to be insured by their employers, and naturally the Board of Trade are very anxious that no sort of mushroom insurance business should arise, and for that reason they think it right to apply the same conditions to this business as exist in the Act of 1870. These provisions are, as your Lordships are well aware, that any company starting insurance business must deposit the sum of £20,000 in Court, and also file a balance sheet with the Board of Trade each year. In the present Bill there are a few exceptions. We intend to except existing companies, so far as regards the deposit, because obviously it would be very hard to ask them to deposit £20,000 after they have been in business for some time. We shall insist, naturally, upon their furnishing an account each year. We also intend to exempt associations of employers and underwriters. The Bill, as I have said, has been agreed to in every way in the other House, and I do not think it is necessary for me to detain your Lordships with any further remarks. I beg to move that the Bill be read a second time.

Read 2a (according to Order), and committed to a Committee of the Whole House on Monday next.

NOTIFICATION OF BIRTHS BILL.

[SECOND READING.]

Order of the Day for the Second Reading read.

*LORD ALLENDALE: As your Lordships will be aware, this Bill has not yet been circulated, not yet having been returned from the printers. Of course, if any noble Lord objects to my proceeding with it to-day, I am entirely in the hands of the House, but with your Lordships' approval, I respectfully submit that you give this Bill a Second Reading, and I will not ask your Lordships to take any further stages, so that there should be an opportunity of moving Amendments on Monday, or whatever day the further consideration of the Bill is put down for. If your Lordships will agree to that, I will just say a very few words in moving the Second Reading.

This Bill was introduced into the House of Commons by a private Member on the Opposition side of the House, and has since been taken up by the Government and starred with the object of trying to get it through this session. The object of the Bill is the early notification of births, so as to prevent, as far as possible, infant mortality, and it is believed that it would tend to prevent this mortality if, in suitable cases, the medical officer of health, under efficient supervision, were enabled to visit the home as soon as possible after the birth of the child, and to give advice as to the nurture of the child. The attention of the Local Government Board and of the public generally has been directed lately to the subject of the very great infant mortality, and it is with the object of preventing this by notifying as early as possible the birth of the child that this Bill has been proposed. Voluntary arrangements have already been made with this object in some places, and in other places Parliament has given powers for the purpose by local Acts. I do not know that I need go into the Bill, although it has not been circulated. It is a short Bill, and I think probably most of your Lordships will know the general object of it. The notice can be given either by letter or postcard within thirty-six hours after the birth. It is to be given both by the father (if he is resident in the house) and by the person in attendance. But a person will not be liable to a penalty for not giving notice if he satisfies the Court that he had reasonable grounds to believe that notice had been given by some other person. Stamped postcards containing the form of notice are to be supplied by the local authority to any medical officer or midwife who applies for the same. The Bill will be adoptive, and will only be enforced where adopted by the local authorities, and the consent of the Local Government Board is to be necessary for its adoption. The Local Government Board, however, have powers in addition to this to put the Act in force wherever they think it is necessary, although the local authority may not have proposed to adopt it, and to meet such cases, Clause 3 will empower the Local Government Board to put the Bill in force in a certain district. The local authorities under the Bill are in London the Common Council and the Metropolitan Borough Councils, and outside London town councils and urban and rural district councils. It is, however, provided that county councils outside London may adopt the Bill either for the whole county, or for any district in it. The Bill, as I say, was introduced in another place by Lord Robert Cecil, and has been favourably received by both sides. It passed its Second Reading without opposition there, and the Government, as I reminded your Lordships just now, have been endeavouring to render it assistance, first in the Standing Committee, and now by having starred it in the hope that your Lordships will pass it this Session, although, of course, I am aware that it is late for a Bill to be introduced into your Lordships' House. As I said, I am entirely in the hands of your Lordships, if you prefer not to give the Second Reading to-day, but I submit that the Bill be now read a second time.

Moved, "That the Bill be now read 2^{a}."—(*Lord Allendale.*)

*THE MARQUESS OF LANSDOWNE: The noble Lord is good enough to ask us not to put the Bill through any further stages to-day, but I contend, with deference, that he is asking us a good deal in asking us to read a second time a Bill which has not been printed, and which we have never seen. I have not a word to say against the Bill. I have no doubt it may be a most admirable Bill, but even in the times of stress through which we are now passing, we must have some regard for the common decencies of procedure. I therefore venture to appeal to the noble Lord that he will agree to the adjournment of this discussion to Monday, when we can proceed to read the Bill a second time, and then, if it turns out to be that blameless measure which he has sketched, we can consider whether we can expedite its progress.

LORD ALLENDALE: I stated in my opening remarks that I was entirely in the hands of your Lordships, and that I did not want to press the House to take the Second Reading to-day, but as no noble Lord contested my going on, I ventured to proceed with the few remarks I had to make. I have, of course, no wish to go on after what has been said by the noble Marquess.

THE MARQUESS OF RIPON: I recollect a case of this kind occurring when I was in Opposition, and on that occasion I remembered taking exactly the same objection that my noble friend (the Marquess of Lansdowne) has taken.

THE MARQUESS OF LANSDOWNE: Was the Bill not printed on that occasion?

THE MARQUESS OF RIPON: It was not printed and circulated. I think what my noble friend suggests is, that this debate should now be adjourned, and that the Bill should pass through all its stages on Monday.

*THE MARQUESS OF LANSDOWNE: I did not say that. I said we should be able to consider on Monday whether the Bill was one which should be expedited.

THE MARQUESS OF RIPON: But it could pass through all its stages on Monday, so that the adoption of the course suggested by the noble Marquess would not necessarily lead to delay, and would not prevent the passing of the Bill. I have, therefore, no objection to that course being taken, because I feel that the proceeding is open to very serious objection, although I do not think it is altogether the fault of the Government, because we expected the Bill would have been—and I think it ought to have been—on the Table of the House when these proceedings began. But we can take the Bill on Monday, and I hope it will then go through all its stages.

On Question, further debate adjourned to Monday next.

COMPANIES BILL [H.L.].

Order of the Day, for the consideration of the Commons Amendments, read.

THE EARL OF GRANARD: I move that the Commons' Amendments be considered.

On Question, Motion agreed to.

Lord Allendale.

THE EARL OF GRANARD: Your Lordships will remember that this Bill was first introduced into your Lordships' House last May. It has been down to the Commons House and there certain Amendments have been made. The two principal Amendments are these. When the Bill left this House, private companies were asked to file a statement of their assets and liabilities, and it was pointed out when it got to the House of Commons that this would inflict great hardship upon these private companies. After all, private companies do not issue any debentures to the public or any shares and they consider that they are entitled to preferential treatment. The other House took that view, and have amended the Bill accordingly.

The other Amendment is to Clause 7. This Clause, as it left your Lordships' House, empowered a company which had been in existence for two years to issue capital at a discount. This the Commons have also amended, and they have removed the clause. I believe the noble Lord on the Woolsack was not in favour of this. He thought the original provision, as it was brought before your Lordships' House, was rather dangerous. I would venture to ask the House what course they would wish me to go through—whether they prefer that I should go through all the Amendments, many of which are drafting Amendments, or take them altogether. I may say that the Board of Trade are perfectly willing to accept the Bill as it at present stands.

Moved, "That the Commons Amendments be agreed to."—(*The Earl of Granard.*)

THE MARQUESS OF SALISBURY said that so far as they on that Bench were concerned, they were willing to leave the matter in the hands of the noble Lord. The Bill, as the noble Lord had reminded their Lordships, had been discussed at a very much earlier period of the year. At that time, noble Lords who were interested in the matter had not gone on their holidays, and there were then a great many commercial and legal Lords present. These had now all gone away, except the noble and learned Lord on the Woolsack. Therefore they must take all their legal advice from him, and if he was satisfied that these Amendments were such as ought to be agreed to, he was certainly not in a position to say that he was wrong—on the contrary, he would no doubt be right.

LORD BALFOUR OF BURLEIGH said that the first of the two points the noble Lord (the Earl of Granard) had mentioned was one which he (Lord Balfour of Burleigh) had strongly pressed upon the acceptance of the Government, but they would not accept it. He was very glad to see that the wisdom of another place had convinced them that his proposal was the right one.

THE LORD CHANCELLOR: It is always a pleasure to find the noble Lord's opinion supported in another place. I ought to tell the House that although I have not in detail gone through all these Amendments, I am acquainted with the two principal Amendments, and with the subject-matter of them. The first is this. This House consented—I am not sure that it liked it—to allowing shares to be issued at a discount. The House of Commons thinks that that ought not to be, and I may say for myself that I have always had a good deal of misgiving on the subject, and I so stated in your Lordships' House when it was before us. Since then I have had an opportunity of communicating with a most distinguished authority, Lord Justice Buckley, who holds a very strong view that such shares ought not to be issued. I have communicated that to the Board of Trade, and the Board of Trade, I may say, was a party to this alteration being made.

With regard to the other important point, I may say it is one in which, to be quite frank, I would have preferred that the Commons Amendment had not been made. It is that certain companies, which may be regarded as private companies, are not to be required to furnish the information in the form of a balance sheet which other companies are expected to supply. I so seldom get my own way that I am not at all surprised that I did not get it in this instance. A great many of your Lordships differed from me, and in the House of Commons apparently it was thought better that private companies should have this privilege. If that be so, I certainly should not think of insisting upon my own opinion. As I say, I have not gone into all the other Amendments, but they are matters which have been approved of by the Board of Trade, and the Bill is one which is wholly non-contentious, and the outcome of the Committee presided over by the predecessor of my right hon. friend.

On Question, Commons Amendments agreed to.

VACCINATION (SCOTLAND) BILL [H.L.].

Commons Amendments considered (according to Order).

LORD HAMILTON OF DALZELL: My Lords, these are not really Commons Amendments. The Amendment is one which was moved in this House by the noble Lord opposite (Lord Balfour of Burleigh), and in accordance with the form of Parliament, as it affected money, it was moved again in the House of Commons, and has now come back for your Lordships' formal approval. I beg to move that the House do now agree with the Commons Amendments.

Moved, "That the House do agree with the Commons Amendments."—(*Lord Hamilton of Dalzell.*)

On Question, Motion agreed to.

House adjourned at ten minutes before Four o'clock, to Monday next, at a quarter past Four o'clock.

[APPENDICES.

APPENDIX I.

PUBLIC BILLS

DEALT WITH IN VOLUME CLXXXI.

Those marked thus * are Government Bills. The figures in parentheses in the last column refer to the page in this volume. "[H.L.]" following title indicates that the Bill originated in the House of Lords.

(A.) House of Lords.

Title of Bill.	Brought in by	Progress.
*Butter and Margarine	*Earl Carrington*	Royal Assent 21st August (758)
*Cabs and Stage Carriages (London)	*Earl Beauchamp*	Read 1ª 22nd August (1073) Read 2ª 24th August (1511)
*Companies [H.L.]	*Earl of Granard*	Commons Amendments Considered 24th August (1531)
*Consolidated Fund (Appropriation)	*Marquess of Ripon*	Read 1ª 20th August (432) All remaining stages 21st August (719) Royal Assent 21st August (758)
*Council of India	*Marquess of Ripon*	Committee, Report 19th August (119) Read 3ª and passed 20th August (430)
*Education (Administration Provisions)	*Earl of Crewe*	Read 2ª 21st August (724) Committee, Report 22nd August (1066) Read 3ª and passed 23rd August (1371)
*Employers' Liability (Insurance Companies)	*Earl of Granard*	Read 1ª 22nd August (1073) Read 2ª 24th August (1527)
*Evicted Tenants (Ireland)	*Earl of Crewe*	Commons Amendments Considered 23rd August (1290)
*Evidence (Colonial Statutes)	*Earl of Elgin*	Royal Assent 21st August (758)
*Expiring Laws Continuance		Read 1ª 23rd August (1289)
*Factory and Workshops		Commons Amendments Considered 24th August (1576)

Title of Bill.	Brought in by	Progress.
*Irish Land (No. 2)	*Lord Denman*	Read 1^a 22nd August (1073)
*Isle of Man (Customs)	*Marquess of Ripon*	Read 1_a 19th August (119) All remaining stages 20th August (432)
*Judicature (Ireland)	*Lord Denman*	Read 1^a 19th August (119) Read 2^a 20th August (431) Committee, Report 22nd August (1066) Read 3^a and passed 23rd August (1371)
*Land Values (Scotland)	*Lord Hamilton of Dalzell*	Read 1_a 21st August (811)
*Marriage with a Deceased Wife's Sister	*Lord Tweedmouth*	Read 2^a 20th August (348) Committee 23rd August (1256)
*Married Women's Property	*Lord Loreburn*	Royal Assent 21st August (758)
*Merchant Shipping (Tonnage Deduction for Propelling Power)	*Earl of Granard*	Report 20th August (429) Read 3^a and passed 21st August (811)
*Notification of Births	*Lord Allendale*	Read 1^a 23rd August (1290) Read 2^a 24th August (1528)
*Patents and Designs	*Earl of Granard*	Read 2^a 20th August (419) Committee 23rd August (1351)
*Patents and Designs Consolidation)	*Earl of Granard*	Read 2^a 20th August (428) Committee 23rd August (1367)
*Petty Sessions Clerks (Ireland)	*Lord Denman*	Royal Assent 21st August (758)
*Post Office Sites	*Earl of Granard*	Royal Assent 21st August (758)
*Prisons (Ireland)	*Lord Denman*	Royal Assent 21st August (758)
*Probation of Offenders (No. 2)	*Earl Beauchamp*	Royal Assent 21st August (758)
Public Health		Committee, Report, Read 3^a and passed 23rd August (1371)
*Public Health (Regulations as to Food)	*Lord Allendale*	Read 1^a 19th August (119) Read 2^a 22nd August (1063) All remaining stages 23rd August (1371)

(A.) HOUSE OF LORDS—*continued.*

Title of Bill.	Brought in by	Progress.
*Public Works Loans		Read 1^a 23rd August (1289)
*Qualification of Women County and Borough Councils	*Earl of Crewe*	Commons Amendments Considered 24th August (1469)
*Released Persons (Poor Law Relief)	*Earl Beauchamp*	Royal Assent 21st August (758)
Salmon and Freshwater Fisheries		Royal Assent 21st August (758)
*Sea Fisheries (Scotland) (Application of Penalties)	*Lord Hamilton of Dalzell*	Committee Report } 19th August (119) Read 3^a and passed 22nd August (1063)
*Sheriff Courts (Scotland)	*Lord Hamilton of Dalzell*	Read 1^a 23rd August (1289)
*Small Holdings and Allotments	*Earl Carrington*	Read 2^a 19th August (22) Committee 21st August (734) Committee 22nd August (956) Report Read 3^a and passed } 24th Aug. (1473)
*Transvaal Loan (Guarantee)	*Earl of Elgin*	Read 1^a 22nd August (1073)
*Vaccination (Scotland)	*Lord Hamilton of Dalzell*	Commons Amendments considered 24th August (1584)
*Whale Fisheries (Scotland)	*Lord Hamilton of Dalzell*	Read 1^a 23rd August (1289)

(B.) HOUSE OF COMMONS.

Title of Bill.	Brought in by	Progress.
*Cabs and Stage Carriages	*Mr. Gladstone*	Report 21st August (938)
*Coal Mines (Eight Hours) (No. 2)	*Mr. Gladstone*	Bill withdrawn 21st August (952)
*Companies [H.L.]	*Mr. Lloyd-George*	Report Read 3^o and passed } 21st Aug. (870)
*Consolidated Fund (Appropriation)	*Mr. Asquith*	Read 3^o and passed 19th August (277)
*Education (Scotland)	*Mr. Sinclair*	Bill withdrawn 21st August (952)

(B.) HOUSE OF COMMONS—*continued.*

Title of Bill.	Brought in by	Progress.
*Employers' Liability (Insurance Companies)	*Mr. Kearley*	Report Read 3° and passed } 21st Aug. (892)
*Evicted Tenants (Ireland)	*Mr. Birrell*	Lords Amendments considered 20th August (635)
Expiring Laws Continuance	*Mr. Runciman*	Read 2° 22nd August (1167) All remaining stages 23rd Aug. (1426)
*Factory and Workshop [H.L.]	*Mr. Gladstone*	Report 21st August (905)
Irish Land (No. 2)	*Mr. Cherry*	Report Read 3° and passed } 21st Aug. (934)
*Land Values (Scotland)	*Mr. Sinclair*	Report Read 3° and passed } 20th Aug. (485)
Lights on Vehicles	*Major Renton*	Lords Amendments considered 22nd August (1207)
Limited Partnerships	*Sir W. Holland*	Lords Amendments considered 19th August (320)
*Navigation (Ireland)	*Mr. Cherry*	Bill withdrawn 21st August (952)
Notification of Births	*Lord R. Cecil*	Report Read 3° and passed } 23rd Aug. (1435)
*Prize Courts [H.L.]	*Sir J. Walton*	Committee Report Read 3° and passed } 19th August (340)
*Public Health (Scotland Amendment)	*Mr. Sinclair*	Read 2° 21st August (937) All remaining stages 22nd August (1200)
*Public Works Loans	*Mr. Runciman*	Read 2° 22nd August (1168) All remaining stages 23rd August (1428)
*Qualification of Women (County and Borough Councils) [H.L.]	*Mr. J. Burns*	Report Read 3° and passed } 21st Aug. (935)
*Qualification of Women (County and Town Councils) (Scotland) [H.L.]	*Mr. Sinclair*	Report Read 3° and passed } 21st Aug. (938)
*Rule Committee	*Sir J. Walton*	Bill withdrawn 21st August (952)

Title of Bill.	Brought in by	Progress.
*Sheriff Courts (Scotland)	*Mr. T. Shaw*	Report Read 3° and passed } 22nd Aug. (1207)
*Transvaal Loan (Guarantee)	*Mr. Churchill*	Read 2° 19th August (161) Committee Report } 20th August (699) Read 3° and passed 21st August (923)
*Vaccination	*Mr. J. Burns*	Lords Amendments considered 22nd August (1200)
*Vaccination (Scotland) [H.L.]	*Mr. Sinclair*	Read 2° 21st August (937) Committee 22nd August (1200) Report Read 3° and passed } 23rd Aug. (1433)
*Whale Fisheries (Scotland)	*Mr. Sinclair*	Committee 22nd August (1214) Report Read 3° and passed } 23rd Aug. (1434)

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THIRTEENTH VOLUME OF SESSION 1907.

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EXPLANATION OF ARRANGEMENT AND ABBREVIATIONS.

Bills: Read First, Second, or Third Time = 1R., 2R., 3R. [*c.*] = Commons. [*l.*] = Lords. *Amendt.* = Amendment. *Os.* = Observations. *Qs.* = Questions. *As.* = Answers. *Com.* = Committee. *Con.* = Consideration. *Rep.* = Report.

Where in the Index * is added with Reading of a Bill, or a Vote in Committee of Supply, it indicates that no Debate took place on that stage of the Bill, or on that Vote.

Subjects discussed in Committee of Supply are entered under their headings, and also under Members' Names, without reference to the actual Vote before the Committee.

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Secretary of State for Foreign Affairs
Rt. Hon. Sir E. Grey.

Secretary of State for the Home Department
Rt. Hon. H. Gladstone.

Secretary of State for India
Rt. Hon. J. Morley.

Secretary for Scotland
Rt. Hon. J. Sinclair.

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